

CHER-AE HEIGHTS INDIAN COMMUNITY

of the Trinidad Rancheria



Integrated Development Standards

October 2011



Trinidad Rancheria

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Introduction

Purpose

This document presents a set of development standards for the Cher-Ae Heights Community of the Trinidad Rancheria. These development standards can be utilized to conduct planning-level review of projects on Rancheria lands prior to their implementation and construction. Their use helps to ensure that future development patterns are in keeping with the community's long-term vision, as described in the Comprehensive Plan. More specifically, these standards help to ensure the following:

- Implementation of the Trinidad Rancheria Comprehensive Plan.** These standards help to implement the goals and policies of the Comprehensive Plan, and to help carry out the vision for development that it describes. They also help to implement the six Design Principles that permeate the Comprehensive Plan:
 - Plan with Vision** - “*key-chok, hey-chock-see-mek*” (act on purpose)
 - Create in the Spirit of the Place** - “*see-shon*” (be a certain way)
 - Arrange the Right Use and the Right Size in the Right Place** - “*pyek-che-nee*” (careful, perfect, right)
 - Make a Center and an Edge** - “*wo-gee*” (in the middle) vs. “*re-wo-nah*” (at the end or edge)
 - Put Your Best Face Forward** - “*hee-mech*” (in front) vs. “*per-kwery*” (in back); and, “*chy-yoh*” (hidden/private) vs. “*wo-rue*” (public/visible)
 - Take Steps** - “*hlke-mah*” (phasing)
- Well-Designed Environments that Promote and Reflect Quality and Character.** These standards and guidelines promote building patterns and architectural elements that express the Rancheria's heritage and maintain a high-quality public realm for residents and visitors.
- Green and Sustainable Development.** These standards help to promote green and sustainable development through carbon footprint reduction, water conservation and reuse, energy conservation, renewable energy use, recycling and waste reduction, vegetation, urban agriculture, and hazard-resilient development.
- Connectivity and Development Patterns that Support Walking and Bicycling.** These standards set forth locations and standards for streets, paths, and trails, and regulate building patterns that promote pedestrian-oriented development.
- Environments that Promote Healthy Lifestyles.** In regulating pedestrian-oriented development these standards help to facilitate walking and bicycling as means to obtain daily exercise and improve public health.
- Conservation and Protection of Natural Resources.** These standards help to designate what areas should be built upon and what areas should be maintained for conservation.
- Conservation and Protection of Cultural and Historic Resources.** These standards help to designate areas and spaces that should be maintained for cultural and historic resource protection and identify new building program to house and showcase such resources.
- Safety from Fire, Flood, and Other Dangers.** These standards maintain building setbacks that separate development from fire and other dangers, and promote site planning methods that seek to minimize excessive grading and site alteration.

Applicability

These development standards are applicable to all future community development on Rancheria and Trust property. Standards for public areas, community and commercial facilities, new neighborhoods, and future rural development on Rancheria properties and Trust Land are prescriptive in nature.

Compliance

No lands shall be developed without full compliance of these standards and all other applicable federal standards.

Exemptions

The Tribal Council may be exempt from the provisions of these standards when an emergency exists such that it is impossible to submit to their normal procedures, and quick and instant action is necessary to secure the public health, safety, or welfare of the Cher-Ae Heights Community. The Tribal Council shall ratify such exemption after the fact at its next regularly scheduled meeting, and shall base its ratification on specified findings of fact related to the emergency involved.

Conflicts with (State or) Federal Law

If a provision of these standards is inconsistent with a provision found in the law or standards of the (state or) federal government, the more restrictive provision shall control, to the extent allowed by law.

Conflicts with Town of Trinidad Zoning

Where applicable, if a provision of these standards is inconsistent with a provision found in the law or standards of the Town of Trinidad, these standards shall control, to the extent allowed by law.

Document Organization

Development standards include standards that are specific to individual zones or "addresses" within Rancheria holdings, as well as standards that are appropriate to be applied everywhere.

The Rancheria's "addresses" include the Main Parcel, which is located along Cher-Ae Road and Scenic Drive and includes the Casino and tribal offices, the nearby Westhaven parcel located off of Westhaven Drive, the Harbor Parcel, located at the Town of Trinidad harbor, and the Archer Road parcel, located off of Archer Road in McKinleyville. Specific to each "address" are standards that regulate the following:

- Allowed Building Placement and Orientation;
- Allowed Building Height and Frontage;
- Parking Location, Design, and Orientation; and
- Appropriate Land Use.

In some locations, community visions described in the comprehensive plan have necessitated more complex standards. For these areas, additional descriptive pages follow the standards in order to adequately describe design intent, including steps that the

Rancheria should consider when planning future development. These include standards for parks and civic spaces, comprising location, size, and general characteristics.

Standards that are applicable throughout Rancheria holdings include the following:

- Frontage.** Standards for different ways buildings can engage the public realm.
- Streets and Trails.** Standards for alignments, widths, treatments, and required elements of various scales of streets and trails.
- Standards and Guidelines for Water Management.** Performance standards for creative water capture, treatment, and reuse.
- Best Management Practices for Stormwater.** Standards and guidelines for managing stormwater, including a stormwater master plan for each address.
- Standards and Guidelines for Tree Protection.**
- Architectural Design Guidelines.** Guidelines and recommendations for appropriate building types, character, materials, colors, and signage and wayfinding.

How to Use This Document: A Quick Guide

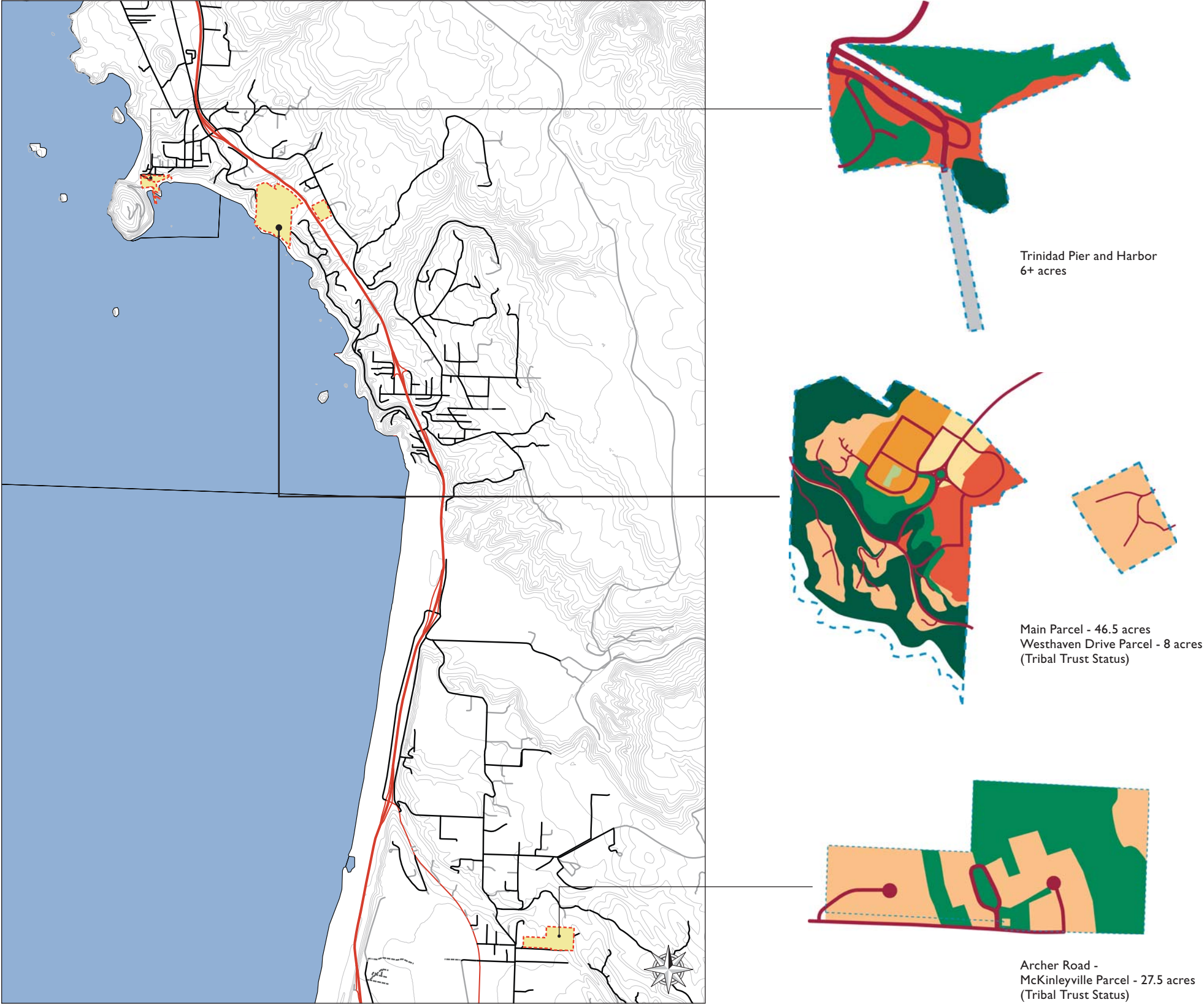
- Those wishing to propose a project on Rancheria land should first locate their parcel on the District Specific Maps, to determine the applicable address.
- Applicants should then comply with the appropriate standards that are specific to their address.
- Applicants should then follow and comply with standards general to all addresses with regards to Streets and Trails, Parks and Civic Spaces, Stormwater Management, Water Management, and Architectural Design Guidelines.
- Applicants should then follow the appropriate procedures for submitting an application for Development Review consideration and approval.

Other Applicable Standards

These standards are intended to be used to conduct planning-level review and permitting of projects, and serve as a prerequisite for subsequent Building, Foundation, and Grading review and permitting. For building-level review and permitting, applicants should reference Title 24 of the California Code of Regulations, including Part 11, the CALGreen Standards Code, which sets forth standards for environmental efficiency in new construction. If any conflicts between these standards and those of CCR Title 24 should arise, those in the CCR Title 24 shall control.

Relationship to NEPA

Development on Rancheria and Trust lands is subject to the National Environmental Protection Act, which includes compliance with the Clean Water Act, the National Historic Preservation Act, the Pollution Prevention Act and the Threatened and Endangered Species Act. Future development may require environmental assessments in order to preserve sensitive environmental resources and minimize hazardous impacts. Assessments may require stricter standards, including reduced development footprints, increased setbacks, and limited land uses. In the event of any conflicts between these standards and the findings of an environmental assessment under NEPA, the environmental assessment shall control.



District Specific Standards

Purpose

This Chapter provides regulatory standards governing land use and building form within the Rancheria properties. The standards found in this Chapter are a reflection of the community vision for implementing the intent of the Comprehensive Plan. These standards are intended to ensure that proposed development is compatible with existing and future development, and produces an environment of desirable character.

Applicability

The requirements of this Chapter shall apply to all proposed development within Cher-Ae Tribal holding areas, and shall be considered in combination with the general standards in Chapter 2 (General Standards). If there is a conflict between any standards, the provisions of this Chapter (District Specific Standards) control over the General Standards Chapter.



Main Rancheria Parcel and Westhaven Parcel

The Main Rancheria Parcel defines the community's identity for tribal members and visitors alike; this site faces the need to provide both a welcoming public face for future recreational visitors to Trinidad, and a thriving private realm capable of serving diverse needs of its residents. This parcel is subdivided into four subdistricts, or "addresses."

The tribal and public visitor spheres interface along the main-street environment of Cher-Ae Lane, which may house various commercial needs and small incubation spaces for new local businesses.

The eastern recreational realm may be enhanced by new hotel accommodations and a pedestrian promenade, taking advantage of spectacular ridge views; a new RV park may also allow camping facilities for longer-stay visitors.

The western tribal center incorporates various community facilities in a walkable environment, including administrative offices, a cultural museum, library, youth center, gymnasium, pedestrian courtyard, and outdoor gathering areas with views along the ridge.

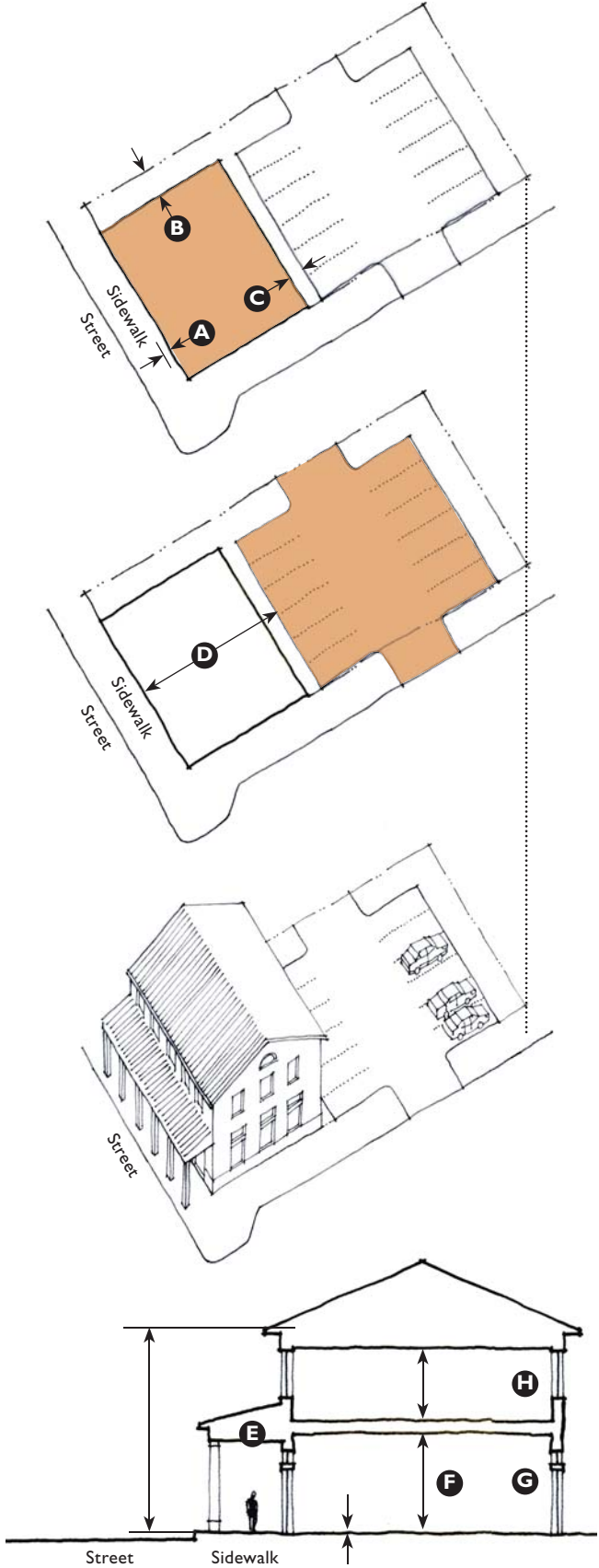
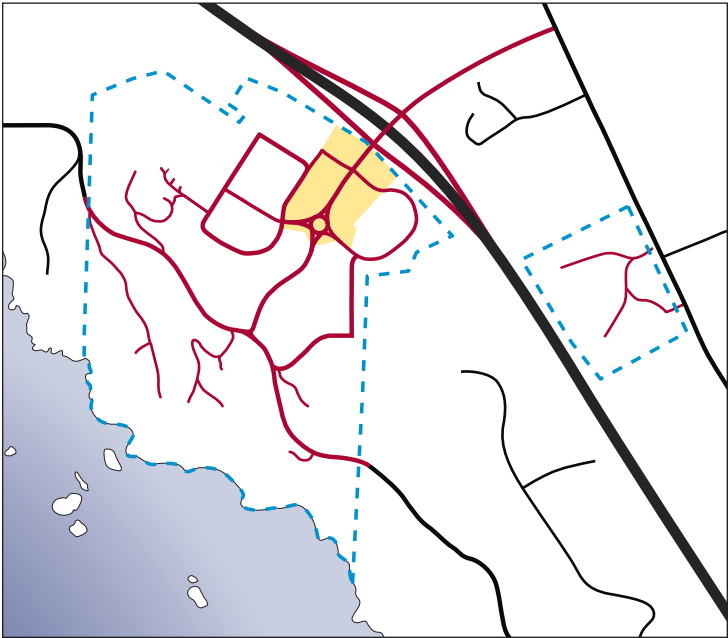


Intent

The intent of this address is to create a new front door off of Highway 101 for the Tribe. This walkable area would provide retail service needs for the community and for visitors to the tribal activities.

Description

The conceptual plan calls for the addition of buildings fronting onto an extension of Cher-Ae Lane to a new interchange at Highway 101. These buildings would contain retail services on the ground floor and potentially commercial or residential space above. In addition to parking placed behind the buildings, some on street parking is provided. A pedestrian network of sidewalks and footpaths would connect this area to other important destinations throughout the Main Rancheria Parcel, including the potential RV campground and the casino parking lots.



Building Placement		
Setbacks		
Buildings shall face the principle streets of this address, with entrances and openings oriented towards Cher-Ae Lane, the new roundabout, and the new side street. Accessory Structures, such as garages, storage sheds, fuel pumps, and utility rooms, should be located behind or to the sides of principal buildings.		
Front (From Back of Sidewalk)	0' min. - 5' max.	A
Between Sides of Buildings	10' min.	B
At Rear of Buildings	10' min.	C
Parking		
Location and Orientation		
Parking lots shall be oriented to the sides and rear of buildings.		
Front Setback	50' min.	D
Building Height and Frontage		
Height		
Buildings can be up to 3 stories in height facing the principle streets of this address. Finish floors shall be set at or near grade level to allow for commercial storefronts. Buildings shall have tall ground floors to accommodate commercial spaces.		
Main Buildings	35' or 3 stories max.	E
Ground Floor Finish Level	6" max.	F
Ceiling Height, Ground Floor	12' min.	G
Ceiling Height, Upper Floor(s)	8' min.	H
Allowed Frontage Types		
Buildings shall be oriented toward the street and sidewalk with storefront openings that may be covered with awnings, canopies, or galleries.		
Shopfront, Gallery	See Page 2-2	
Land Use		
Ground Floors	Commercial Uses	
Upper Floors	Commercial and Service Uses, with limited Residential Uses	

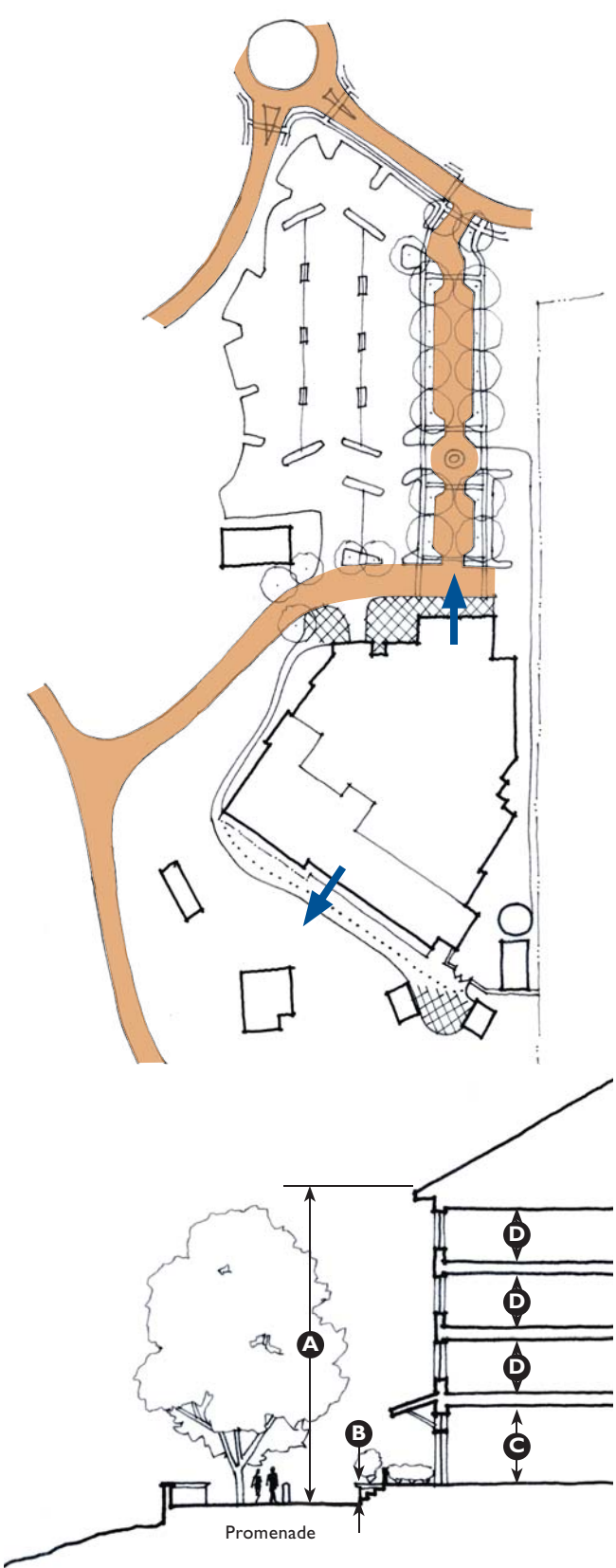
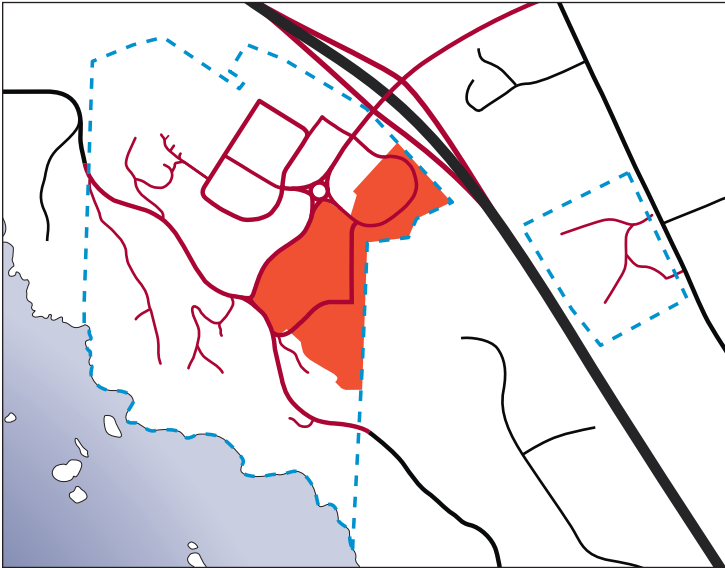


Intent

The intent of this address is to provide recreational amenities to the tribe and guests that is compatible with the desired character of the Rancheria.

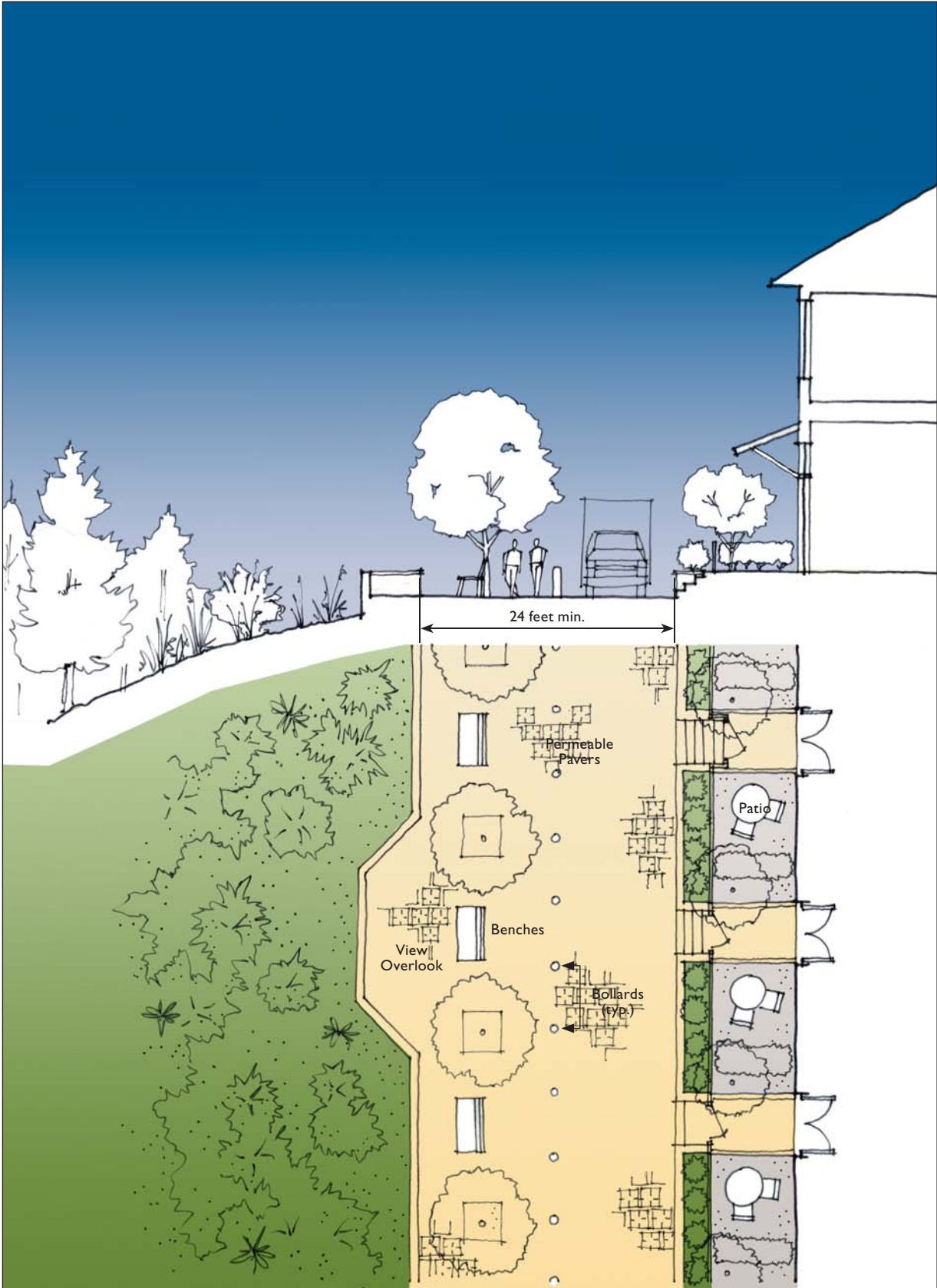
Description

The conceptual plan allows for the development of a new campground, improvements to the casino's parking areas, new public spaces that take advantage of ocean views, and the future addition of a hotel and hospitality wing to the existing casino. In the long term, when it is appropriate to redevelop the casino, the area may be transformed to provide for future hospitality and tourist-oriented amenities.



Building Placement	
Setbacks	
Buildings shall be oriented to principal entry points and toward ocean views. Service and maintenance areas shall be oriented to the maximum extent possible, to the sides of buildings, away from entrances and views. Accessory Structures, such as garages, storage sheds, and utility rooms, should also be located to the sides of principal buildings, away from guest areas.	
Between Buildings	10' min.
At Rear of Buildings	10' min.
Parking	
Location and Orientation	
Large parking areas shall be designed as a series of smaller parking lots that are connected by a network of pedestrian-scaled streets and blocks.	
Clear pedestrian routes shall be defined leading from nearby streets through parking areas to principle building destinations.	
No less than 10% of parking areas shall be reserved for landscaping.	
Building Height and Frontage	
Height	
Buildings may be up to 4 stories in height. Finish floors shall be set at or near grade level to allow for commercial storefronts. Buildings shall have tall ground floors to accommodate commercial spaces.	
Main Buildings	4 stories max. (A)
Ground Floor Finish Level	Varies (B)
Ceiling Height, Ground Floor	12' min. (C)
Ceiling Height, Upper Floor(s)	8' min. (D)
Allowed Frontage Types	
Buildings shall have windows and entrances facing public spaces. Entrances may be covered with awnings, canopies, or galleries.	
Shopfront, Gallery	See Page 2-2
Land Use	
All Floors	Commercial, Hospitality, and Service Uses

Open Space Standards: Bluff



Southern Bluffs Overlook
Description
The bluffs around the casino provide an opportunity to take advantage of the incredible views of the Pacific Ocean and of distant views towards Arcata and Eureka. The existing service lane becomes a shared roadway with limited access for service and emergency response vehicles and will be rebuilt to accommodate pedestrians by adding benches and overlooks. The existing water cistern and storage shed would be fenced off from view and would contain a service entrance. The new promenade would terminate at two picnic pavilions that would direct users to an overlook facing the Pacific Ocean.
Standards
A formalized walkway with pedestrian amenities such as benches, overlooks and picnic shelters.
Pervious pavers can be used to reduce the stormwater runoff and provide an aesthetically pleasing surface for the promenade.
The walkway would allow for limited truck access.
New fence to screen the existing storage shed and water cistern.

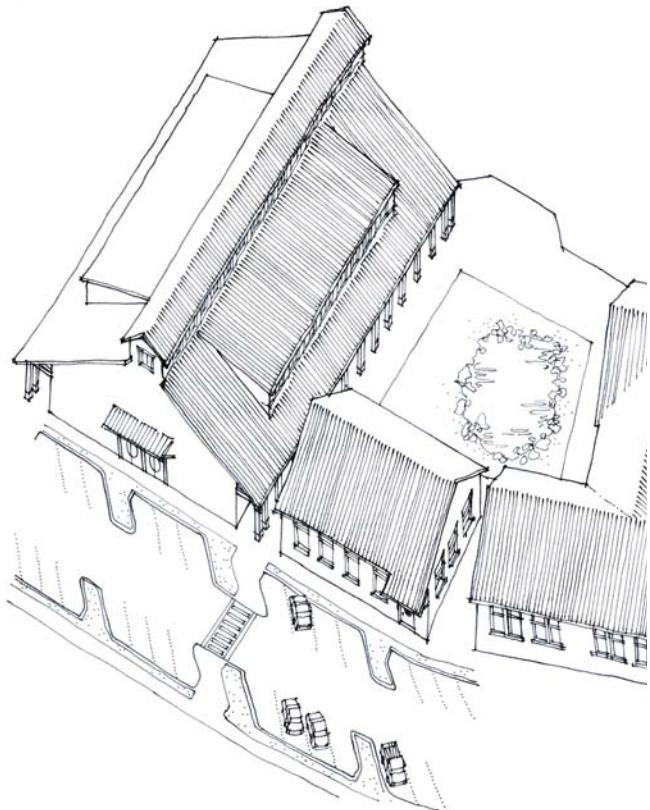
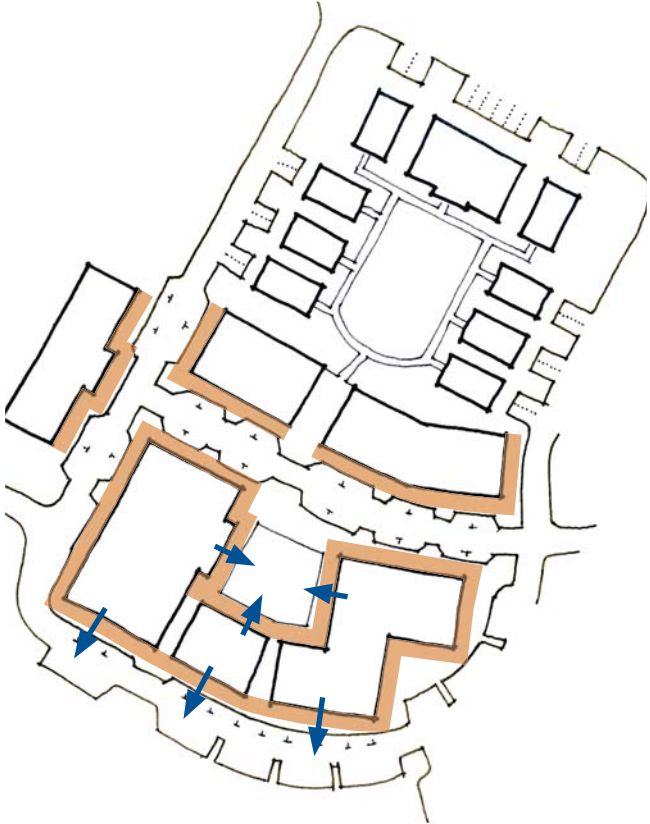
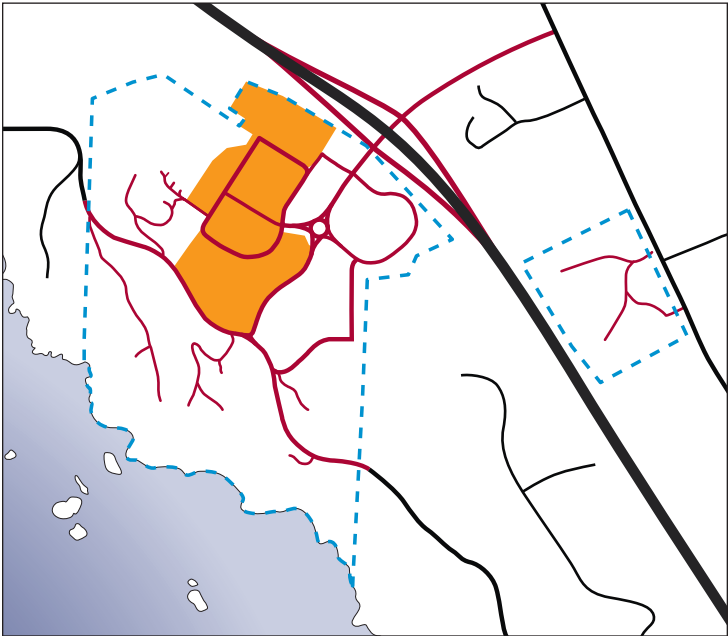


Intent

The intent of this address is to create a walkable environment where Tribal Services, Community Recreation and Cultural Heritage programs can be located, along with incubator space for businesses, and some additional housing options for tribal members.

Description

Uses are organized around a series of courtyards and open spaces. The Tribal administration, library, heritage museum and indoor recreation facilities are sited around a common southern courtyard. The clustering of these uses provides a central location for tribal activities to occur. A second northern courtyard provides an address for small cottages around a common green, with a central common area for residents to use. All facilities would be oriented toward an improved public green, suitable for additional community activities and potential heritage tourism.

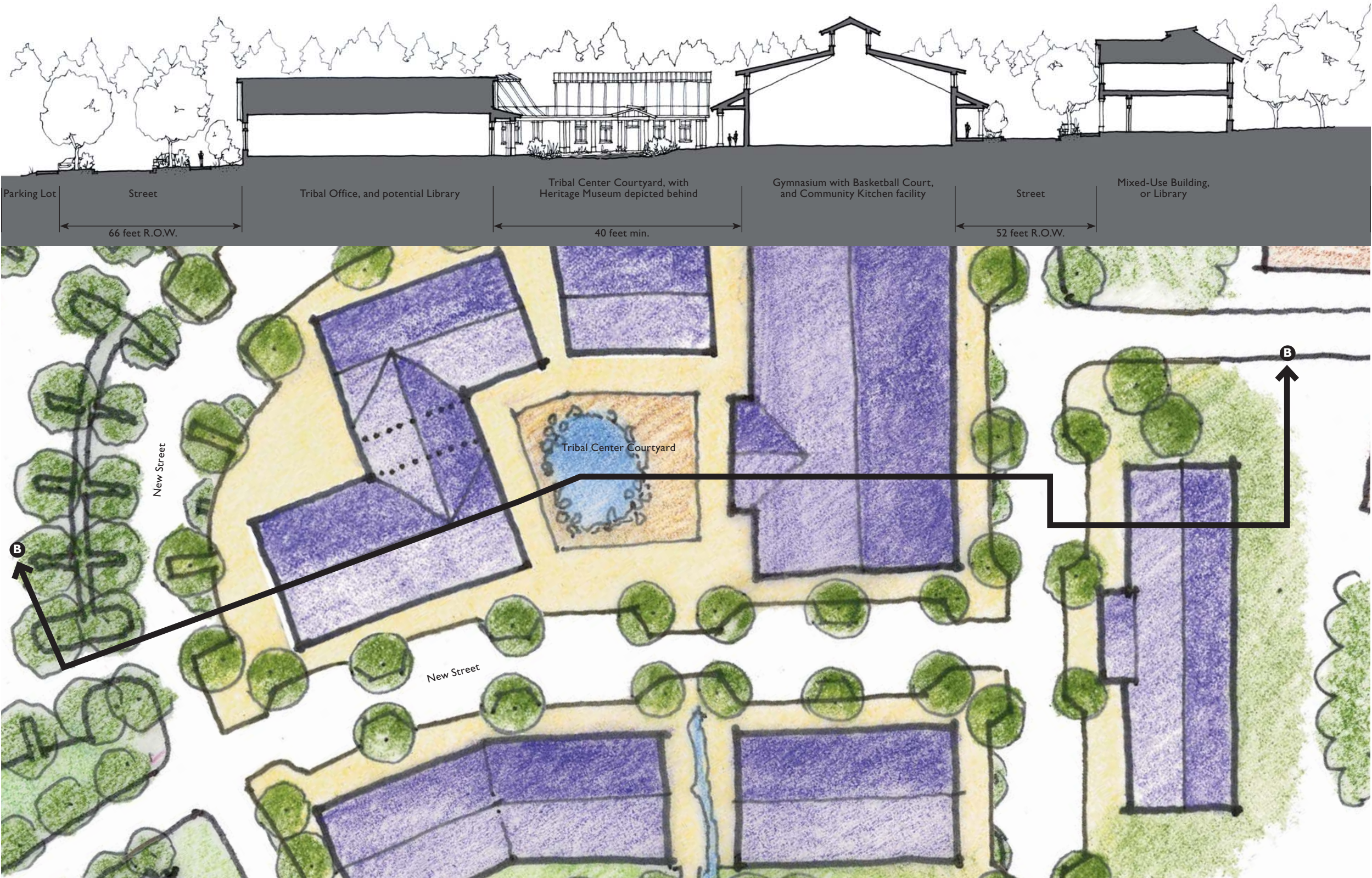


Building Placement	
Setbacks	
Buildings shall face the principle streets and public spaces of this address, with entrances and openings oriented towards the new street network and courtyards. Accessory Structures, such as garages, storage sheds, and utility rooms, should be located behind or to the sides of principle buildings, away from these spaces.	
Front (From Back of Sidewalk)	0' min. - 10' max.
Between Sides of Buildings	10' min.
At Rear of Buildings	10' min.
Parking	
Location and Orientation	
Parking shall be organized along the street network, in a parallel, head-in, or diagonal format.	
Clear pedestrian routes shall be defined leading from parking areas to principle building destinations.	
No less than 10% of parking areas shall be reserved for landscaping.	
Building Height and Frontage	
Height	
Main Buildings	20' min. 3 stories max.
Accessory Structures	1 story max.
Ground Floor Finish Level Above Grade	
Residential	18" min.
Non-Residential	6" max.
Ceiling Height, Ground Floor	10' min.
Ceiling Height, Upper Floor(s)	8' min.
Allowed Frontage Types	
Buildings shall be oriented toward the street and sidewalk with storefront openings that may be covered with awnings, canopies, or galleries. Frontage along courtyard spaces may include stoops and porches.	
Shopfront, Gallery	See Page 2-2
Stoop, Porch	See Page 2-2
Land Use	
Institutional, Service, Commercial, Residential Uses	



Section A goes from east to west looking north. On the east, right hand side, is a courtyard surrounded by a cluster of small cottage buildings. The cottage buildings face on to the common courtyard which serves as a playground and stormwater management feature. The western edge of the courtyard is enclosed by the new two story tribal office building.

Different services and amenities the tribe offers are focused onto a common Tribal Center courtyard.



Section B goes north to south looking towards the west. On the south, left hand side, is the open space that faces onto the existing Cher-Ae Lane and a new street provides parking and sidewalks. A proposed new library fronts onto the new street and onto the Tribal Center Courtyard.

Open Space Standards: Courtyards



Cottage Courtyard
Description
The Cottage Courtyard should provide a central open space for residents and their families.
Standards
Units lining onto the courtyard shall have their main entrance oriented to the courtyard, with vehicular access provided from an alley behind.
Cottage Courtyards shall have a minimum dimension of 60 feet in all directions. A
Cottage Courtyards shall provide spaces for passive recreation and children's play.
Cottage Courtyards may be utilized to integrate stormwater management features.



Tribal Center Courtyard
Description
The Tribal Center Courtyard should provide a passive, natural open space where the various functions of the buildings (recreation, library, cultural) can come together, and provide an important "front door" for visitors.
Standards
Buildings lining the Tribal Center Courtyard shall have windows and entrances opening onto the courtyard.
Tribal Center Courtyards shall have a minimum dimension of 40 feet in all directions. B
Tribal Center Courtyards shall provide spaces for community gathering.
Tribal Center Courtyards may be utilized to integrate stormwater management features.



Precedent - Picnic/Barbecue pavilion



Precedent - Simple tent cabin accommodation



Precedent - cabin accommodation

Tribal Center Bluffs Gathering Fields
Description
The bluffs around the tribal center provide the opportunity for informal gathering. New community uses and structures should be organized in this area, including covered picnic and barbecue facilities.
In the future, this area may also provide cabins or similar accommodation that can be rented to travelers and guests of the tribe. These new structures could be built to flexibly serve multiple functions; for example, a gazebo with prime bluff views could be used for weddings, or for other social events and gatherings.
The tree canopy coverage below and around the informal gathering area should be maintained. A trail can be provided to allow for access down to Scenic Drive.
Standards
An informal gathering space with picnic and barbecue facilities.
All parking provided on-street.
Buildings shall be organized to capitalize on views of the ocean and landscape.

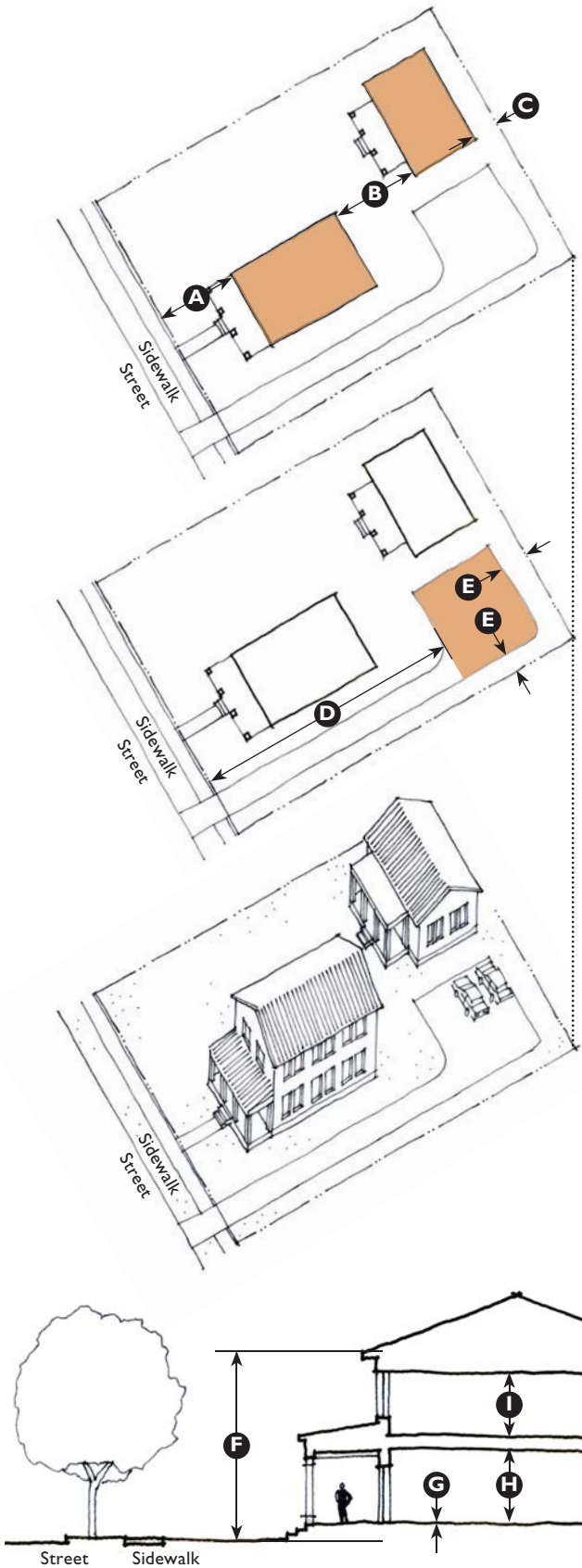
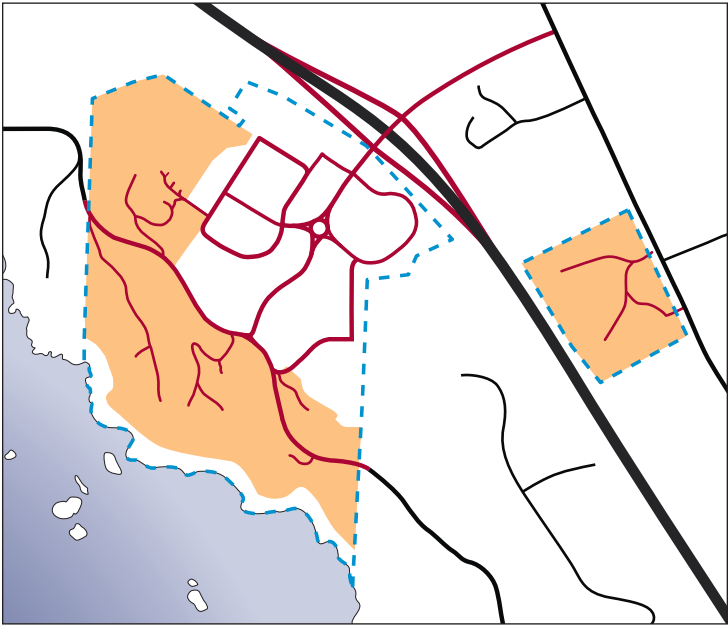


Intent

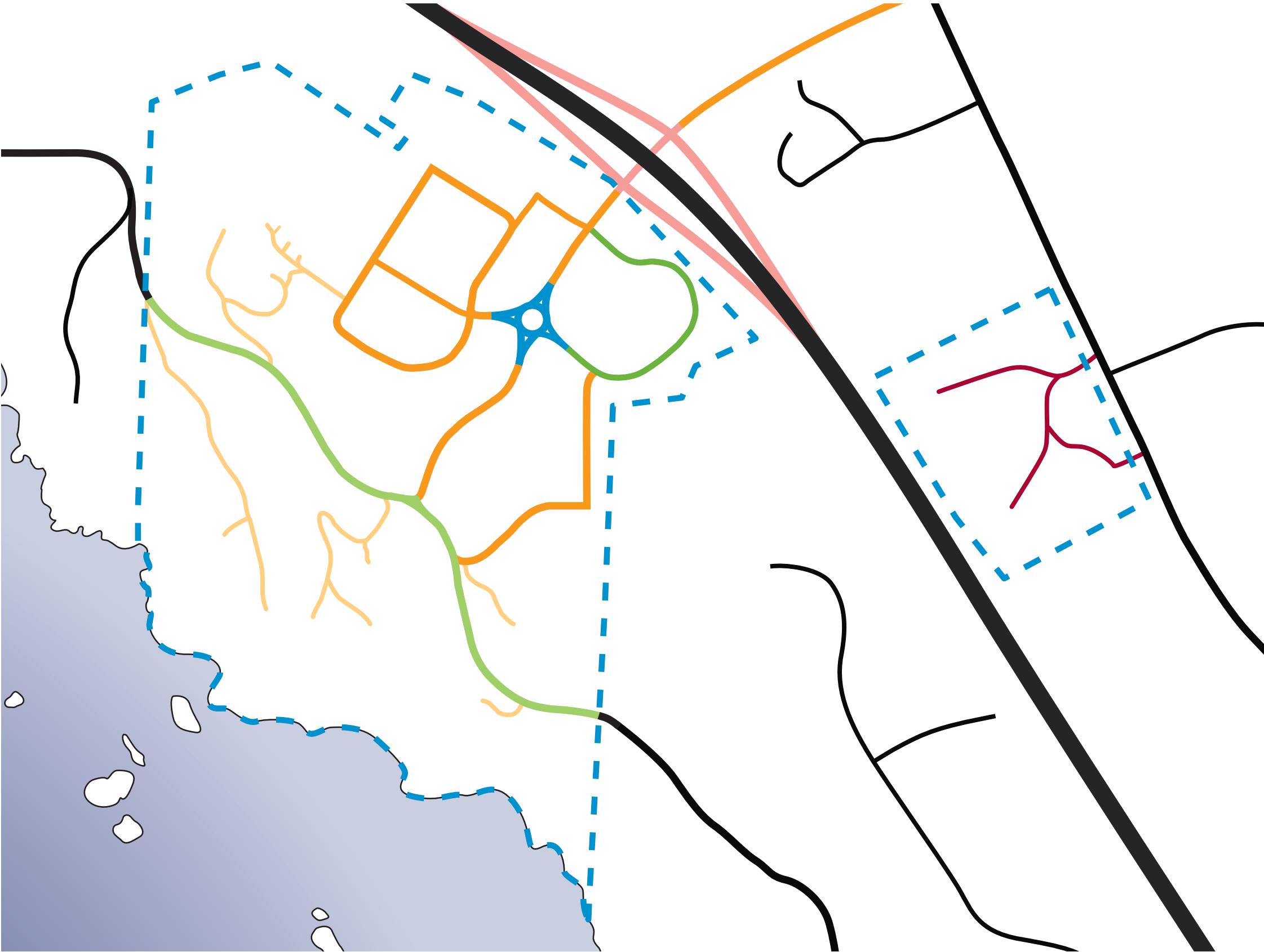
The intent of this address is to allow for the continued use of these lands for rural residential and complementary uses.

Description

The conceptual plan calls for the residential properties in these areas to remain in residential use, while streets and open spaces can be gradually improved to create rain gardens and stormwater management amenities. Additions, alterations, and new construction in these areas should be carefully considered and planned in order to minimize negative impacts on the environment.



Building Placement		
Setbacks		
Rural homes can be placed with a great deal of flexibility, however they should be located in such a way that their entrances and principal rooms are oriented towards front yards and streets. Houses and additions on steep slopes should be carefully placed in order to minimize excessive grading and subsequent erosion.		
Carriage Houses may be added behind or to the side of new and existing houses to allow multiple generations to live in proximity.		
Front (From Back of Sidewalk)	10' min. - 25' max.	A
Between Buildings	20' min.	B
Ancillary Structures	5' min.	
At Rear of Buildings	10' min.	C
Parking Location and Orientation		
Location and Orientation		
To the maximum extent possible, off-street parking should be located to the sides and to the rear of houses.		
Off-street parking and driveways should utilize pervious materials.		
Front Setback	30' min.	D
Side Street Setback	10' min.	
Adjacent to Side or Rear Setback	5' min.	E
Building Height and Frontage		
Height		
Main/Accessory Dwelling	2 stories max.	F
Ground Floor Finish Level	18" min.	G
Ceiling Height, Ground Floor	8' min.	H
Ceiling Height, Upper Floor(s)	8' min.	I
Allowed Frontage Types		
Stoop, Porch	See Page 2-2	
Land Use		
Residential, Home Occupation		



Street Network			
The Street Network plan delineates the intended street types to be used on the Main Rancheria Parcel. Standards for the individual street types can be found in the Streets Standards Division of this document.			
Street Type	ROW Width	Key	Page
Existing Street	Varies		
Commercial Street	52'-66'		2-4
Residential Street	52'		2-4
Residential Drive	Varies		2-5
Recreational Camping Drive	120'		2-6
Scenic Drive	16' or 24'		2-7
Roundabout	Varies		2-8
Special Roadway - On/Off Ramps	Varies		



Trinidad Pier and Harbor Parcel

The pier parcel holds great potential as a tourism destination. Modest improvements, such as a paved plaza, thoughtful landscaping, and informal food or retail vendors, may enhance the experience of the harbor and encourage visitors to spend time along the waterfront. In the long term, the existing restaurant footprint can be rebuilt as a two-story structure. A new boardwalk may also promote increased use of the beach and provide for recreational services such as kayaking rentals. Cultural heritage of the Trinidad Rancheria could be incorporated into the space through design details such as the incorporation of basket-weaving patterns in the paving of the pier plaza. Over time, the pier program could also expand to include additional tourist attractions that showcase the rich biological environment of the bay.

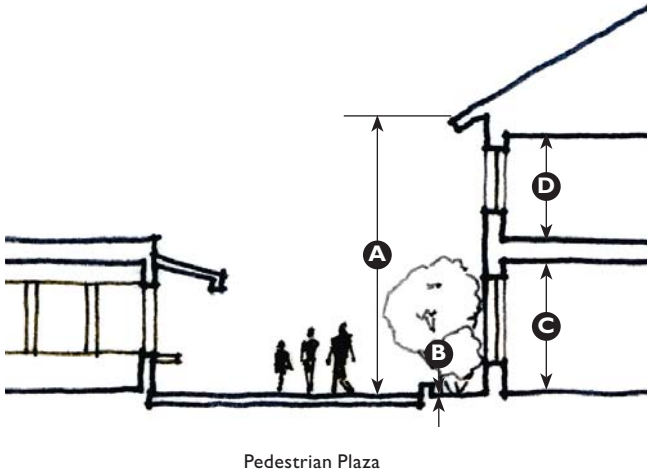
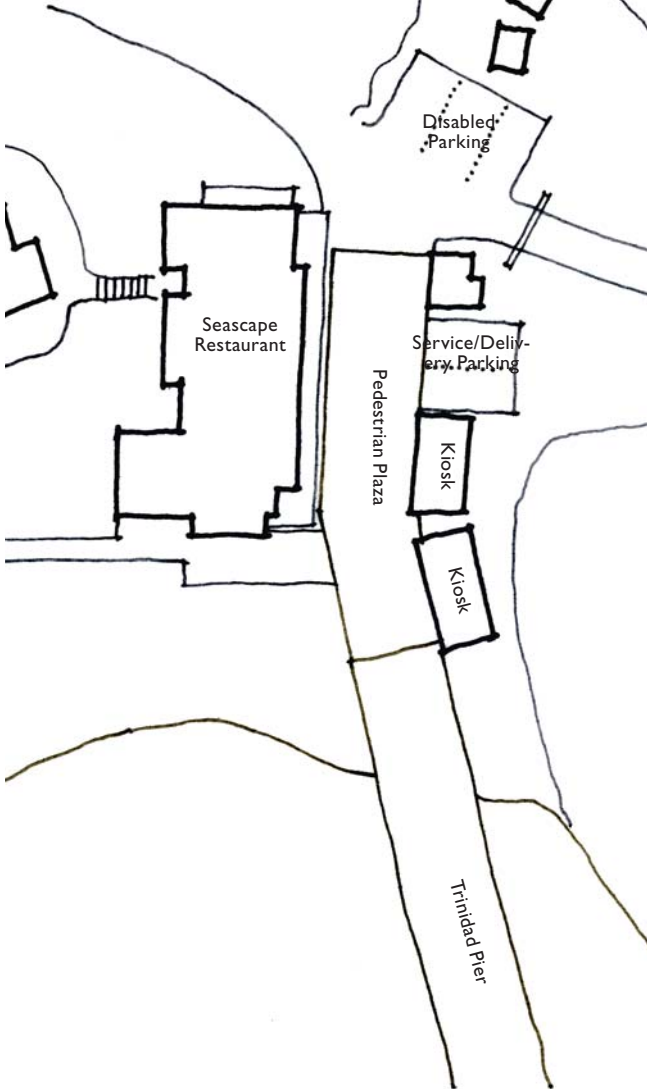
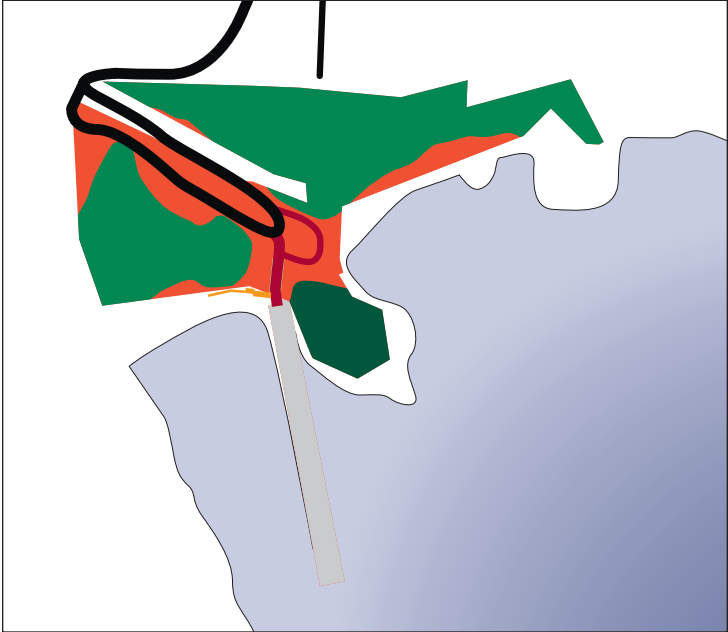


Intent

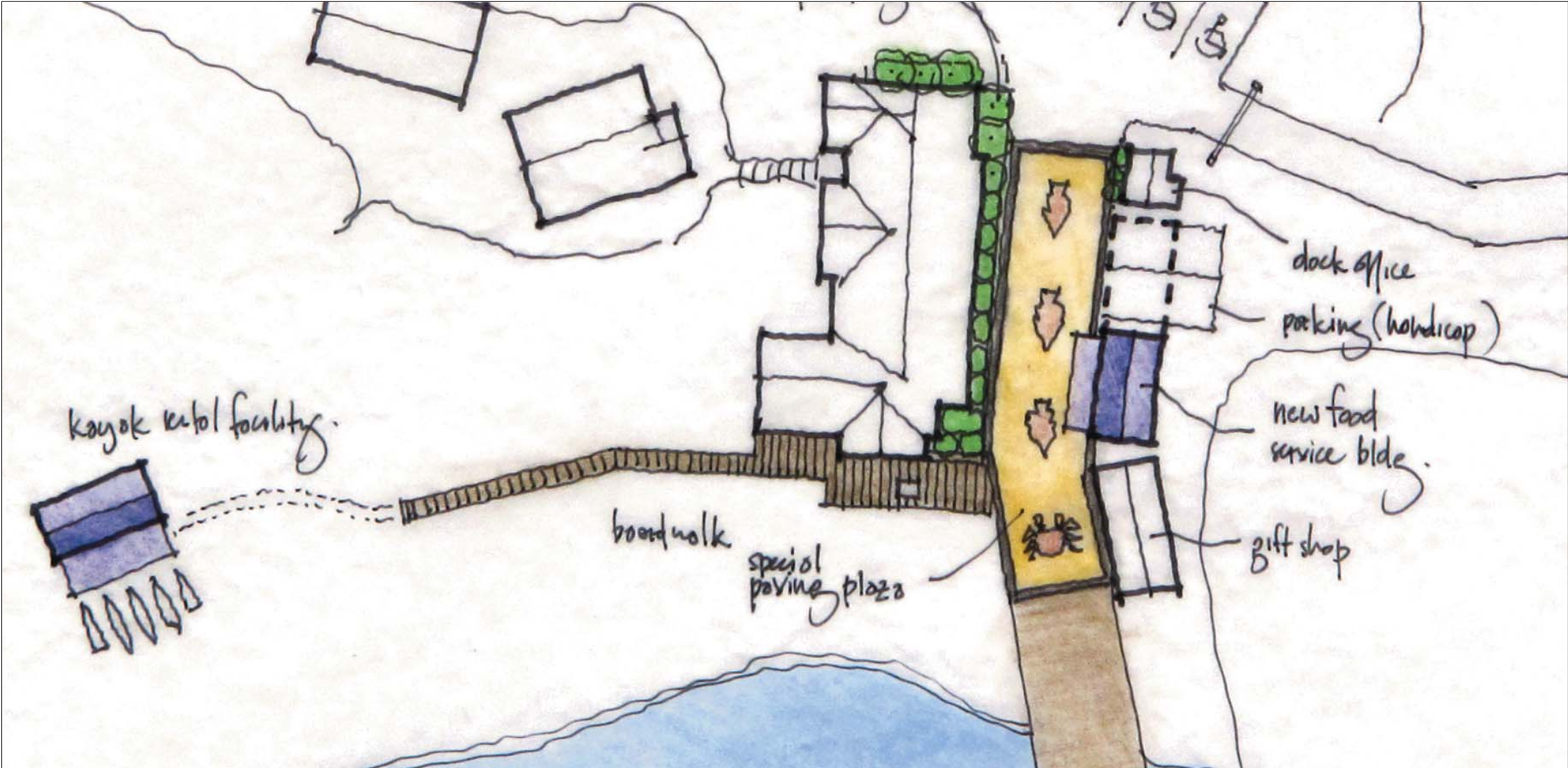
The intent of this address is to allow for small amount of additional pier and tourism related activities to occur.

Description

The conceptual plan calls for a series of additional small structures that can provide space for retail or food related services. These small structures would be organized to form a plaza space adjacent to the existing gift shop and restaurant. Additional tourism opportunities were explored and include the option to provide sea kayak rentals adjacent to the restaurant. In the future, the existing restaurant footprint can be expanded and improved to a 2-story structure.



Building Placement	
Setbacks (Distance from Property Line/ROW)	
Buildings shall face principal public spaces of this address, with entrances and openings oriented toward the pedestrian plaza. Garages, storage sheds, and utility rooms should be located behind or to the sides of principal buildings and accessory structures, away from these spaces.	
Front	0' min. - 10' max.
Between Buildings	5' min.
At Rear of Buildings	5' min.
Adjacent to Side or Rear Property Line	
Main Building	5'
Accessory Structure	5'
Parking Location and Orientation	
Location and Orientation	
Parking shall be provided in the existing parking lot.	
Clear pedestrian routes shall be defined leading from parking areas to principle building destinations.	
No less than 10% of parking areas shall be reserved for landscaping.	
Building Height and Frontage	
Height	
Main Buildings	2 stories max. (A)
Accessory Structures	1 story max.
Ground Floor Finish Level	18" max. (B)
Ceiling Height, Ground Floor	9' min. (C)
Ceiling Height, Upper Floor	8' min. (D)
Allowed Frontage Types	
Buildings shall be oriented toward public spaces and sidewalks with storefront openings that may be covered with awnings or canopies.	
Shopfront	See Page 2-2
Stoop, Porch	See Page 2-2
Land Use	
Commercial, Service, Fishery Uses	



Pier Boardwalk Plaza
Description
The new plaza for the pier is intended to create a vibrant active waterfront that can provide visitors and users of the pier with multiple eating and shopping opportunities. The plaza space floor can be refinished with a decorative concrete pattern and lined with benches and potted plants. Trails down to the pier from the Town of Trinidad should be maintained and upgraded to allow visitors to easily walk to and from the town.
Standards
Accessory structures shall face onto the plaza.
Vending windows shall face onto the plaza.
Loading and services shall be screened from the plaza.



Beach boardwalk with kayak rentals



Seascape Restaurant landscape improvements



New food-oriented retail facilities along plaza



Archer Road Parcel - McKinleyville

The Archer Road Parcel offers the Rancheria many opportunities for providing additional residential units and needed park space and community amenities.

Many of the existing assignees on Archer Road have the potential to build an additional housing unit without acquiring any further land, based on the ability to provide additional septic tank and leach field capacity on their current land allotment.

The open field located between Pishka and Twe-Goh may offer additional residential units with common leachfields and a community park and building to serve the local neighborhood, while simultaneously maintaining its existing rich wooded character.

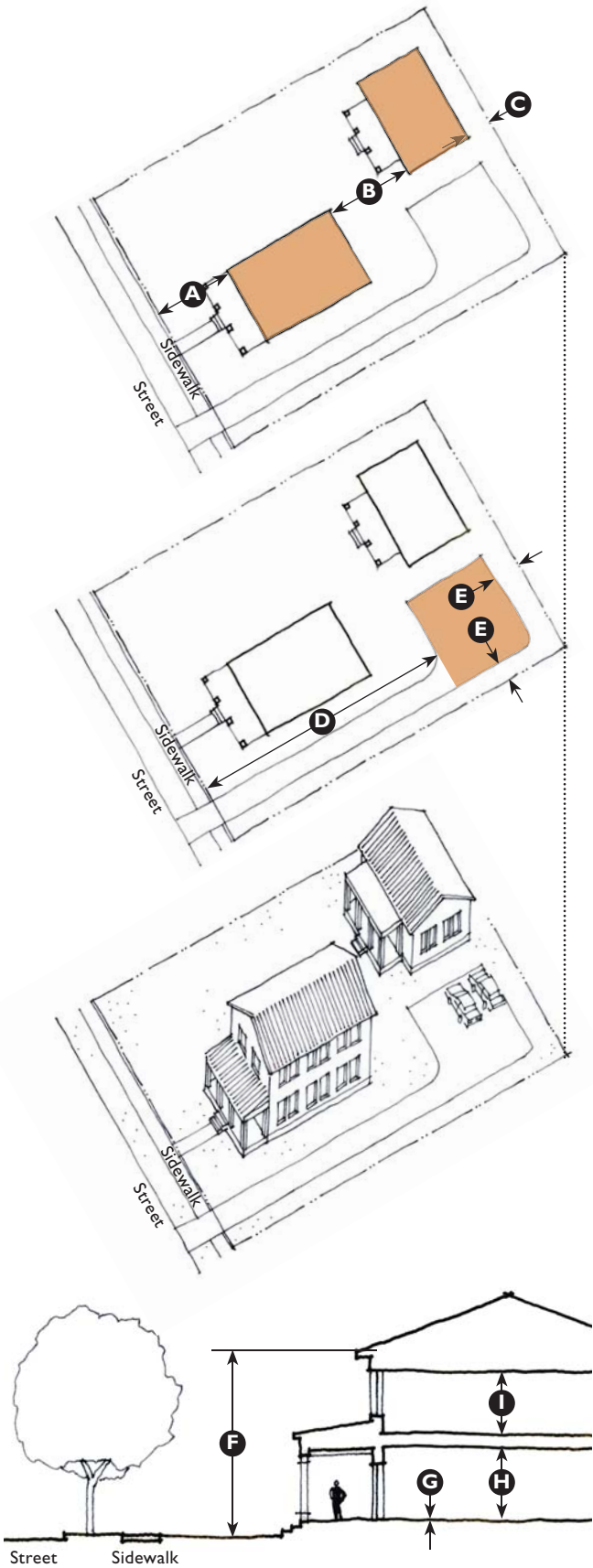
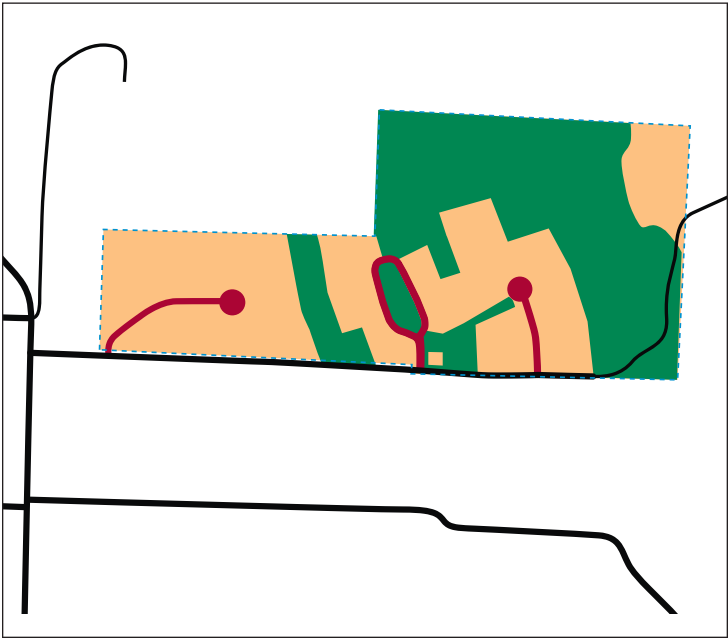


Intent

The intent of this address is to allow for the continued use of these lands for residential uses.

Description

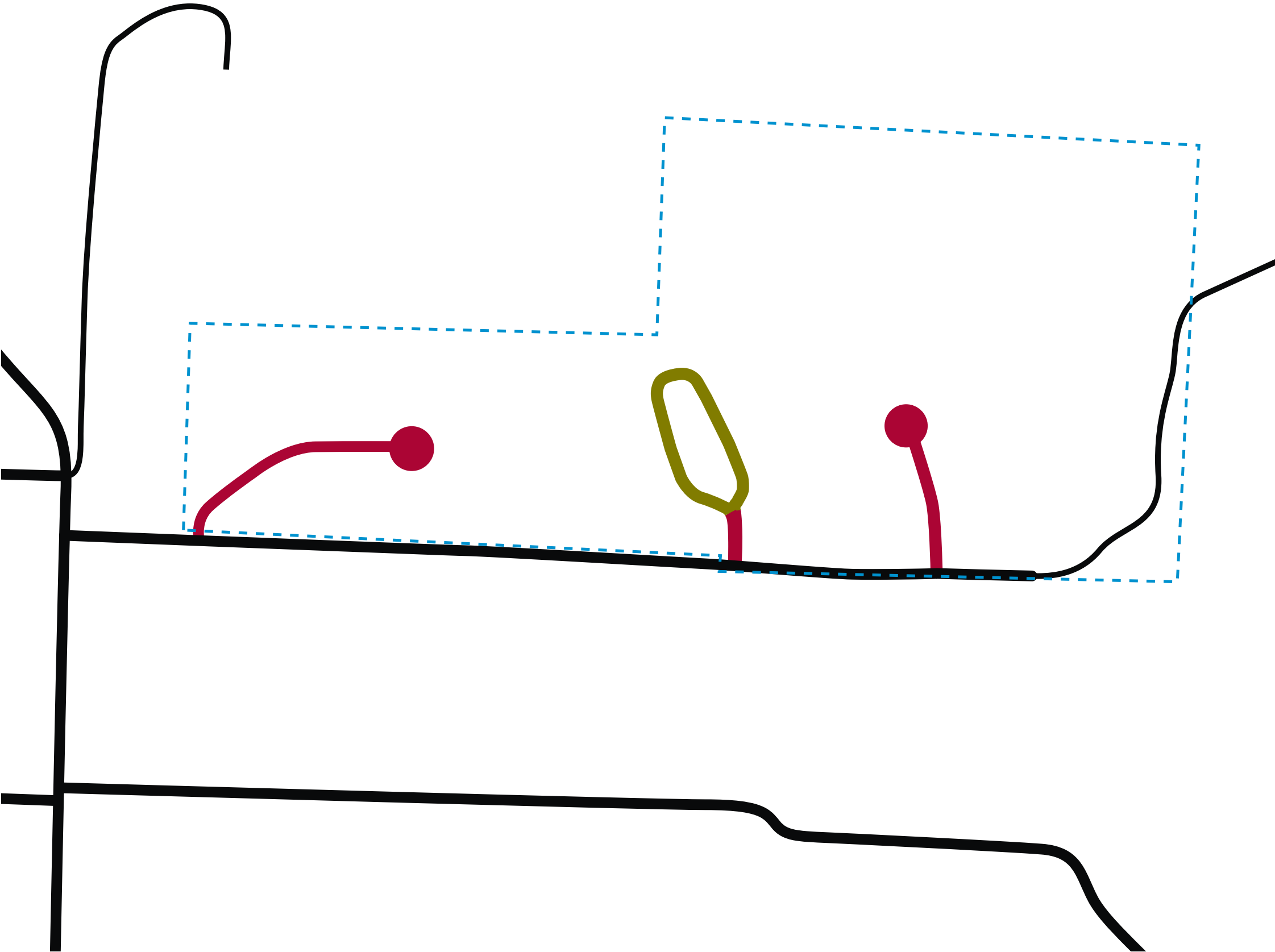
The conceptual plan calls for the residential properties to remain in residential use, but where feasible allow for the addition of accessory dwelling unit for family members to live in. In addition a new cluster of residential houses is possible between the two existing cul-de-sacs. These residential houses would be organized around a common park space and have a series of common leach fields. A site along Archer Road is reserved to provide a community space for the neighborhood.






Building Placement		
Setbacks (Distance from Property Line/ROW)		
Rural homes can be placed with a great deal of flexibility, however they should be located in such a way that their entrances and principal rooms are oriented towards front yards and streets. Houses and additions on steep slopes should be carefully placed in order to minimize excessive grading and subsequent erosion.		
Carriage houses and additional single-family houses may be added behind or to the side of new and existing houses to allow multiple generations to live in proximity, where land allotments and sewer capacity will allow.		
Front (From Back of Sidewalk)	10' min. - 25' max.	A
Between Buildings	20' min.	B
Ancillary Structures	5' min.	
At Rear of Buildings	10' min.	C
Adjacent to Side or Rear Property Line		
Main Building	10'	
Accessory Structure	5'	
Parking Location and Orientation		
To the maximum extent possible, off-street parking should be located to the sides and to the rear of houses.		
Off-street parking and driveways should utilize pervious materials.		
Front Setback	30' min.	D
Side Street Setback	10' min.	E
Adjacent to Side or Rear Property Line Setback		
	5' min.	
Building Height and Frontage		
Height		
Main/Accessory Dwelling	2 stories max.	F
Accessory Structure	1 story max.	
Ground Floor Finish Level	18" max.	G
Ceiling Height, Ground Floor	9' min.	H
Ceiling Height, Upper Floor(s)	8' min.	I
Allowed Frontage Types		
Stoop, Porch	See Page 2-2	
Land Use		
Residential, Institutional, Home Occupation Uses		



	Community Green
	Description
	On the Archer Road site there is the potential to build a new park and community center. The new spaces can provide structured youth activities and non-structured recreational activity for residents.
	Standards
	Playground shall be provided within the green.
	Vehicles shall not park within the green.
	Units shall be oriented to the green, with primary entrances and porches facing to the park.
	Community Center
	Description
	The Community Center can provide some indoor and outdoor activities for the tribe, including a half basketball court. A trail or sidewalk should connect the community center to the two neighboring Pishka and Twe-Goh Court.
	Standards
	Main entry shall face on to the new entry street.
	An 8' wide trail or sidewalk shall connect the new street to Twe-Goh Court.
	Community Leach Fields
	Description
	New assignments should be designed to take advantage of the proposed common leach fields.
	Standards
	Leach Fields shall be located as illustrated.
	Stream Buffer and Steep Slopes
	Description
	In order to improve water quality and prevent flooding and erosion, a stream buffer should be maintained.
	Standards
	New development shall be set back 50' minimum from the centerline of the creek.
	New development and/or site improvements shall avoid steep slopes of 30% or greater.



Street Network			
The Street Network plan delineates the intended street types to be used on the Archer Road - McKinleyville Parcel. Standards for the individual street types can be found in the Streets Standards Division of this document.			
Street Type	ROW Width	Key	Page
Existing Street	varies		
Residential Street	52'		See Page 2-5
Green Street	40'		See Page 2-5

General Standards

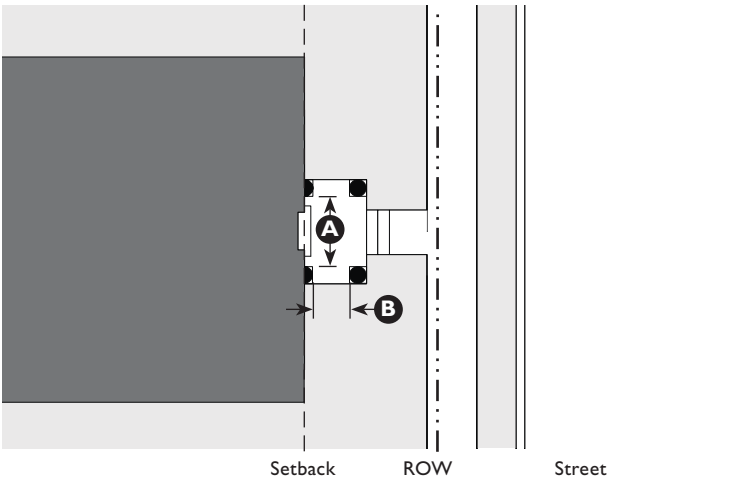
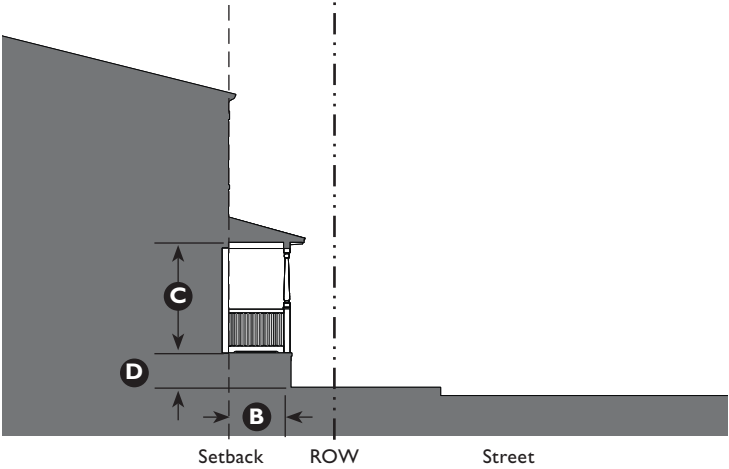
The following standards are applicable to all future development within the Rancheria properties. These include standards for frontages, streets and thoroughfares, water resource management, stormwater, and tree protection.

Frontage Standards

The following standards provide the basic dimension standards for the way in which buildings shall front onto streets and sidewalks. These standards are meant to work in conjunction with the standards from those found in the District Specific Standards Chapter.

Allowed Frontages

1. Stoop



Key --- ROW / Property Line - - - - - Setback Line

Description

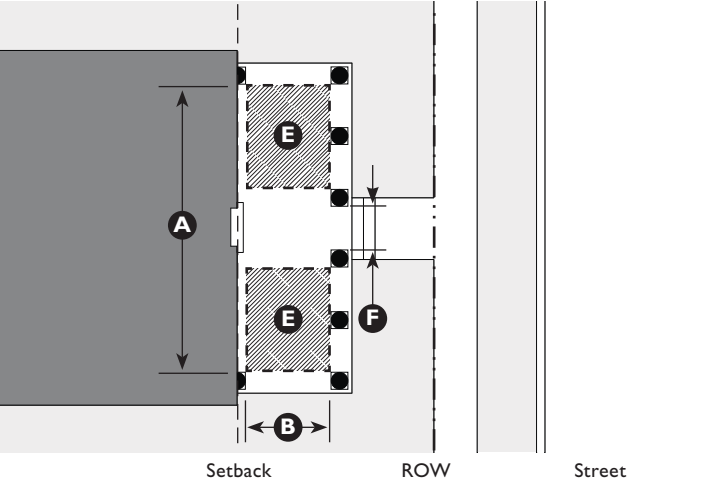
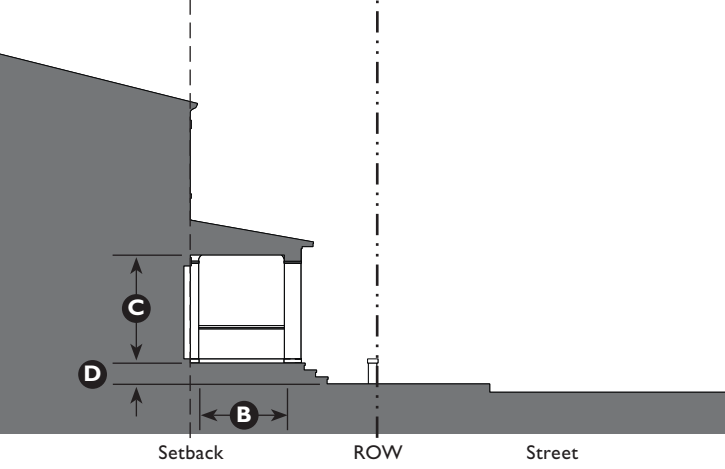
Stoop: The main facade of the building is near the frontage line and the stoop shall be elevated above the sidewalk to ensure privacy within the building. This type is appropriate for residential uses with small setbacks.

Size		
Width, Clear	5' min.; 8' max.	A
Depth, Clear	5' min.; 8' max.	B
Height, Clear	7' min.	C
Height	1 story max.	
Finish Level above Sidewalk	12" min.	D

Miscellaneous

Stairs may be perpendicular or parallel to the building facade.
Ramps shall be parallel to facade or along the side of the building.
The entry door shall be covered or recessed to provide shelter from the elements.

2. Porch



Key --- ROW / Property Line - - - - - Setback Line

Description

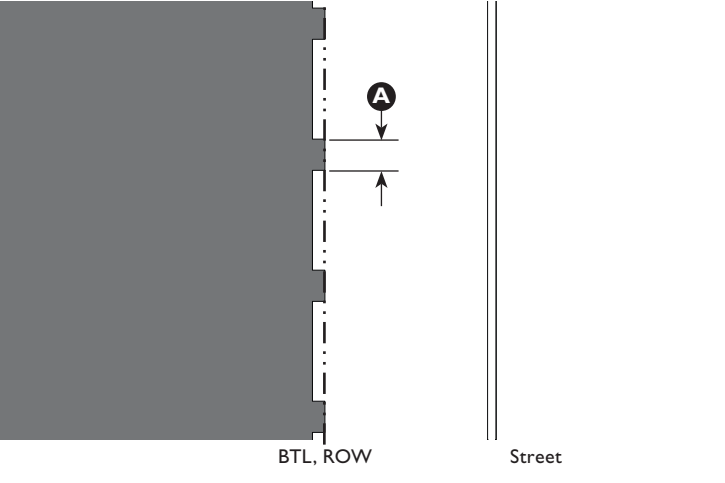
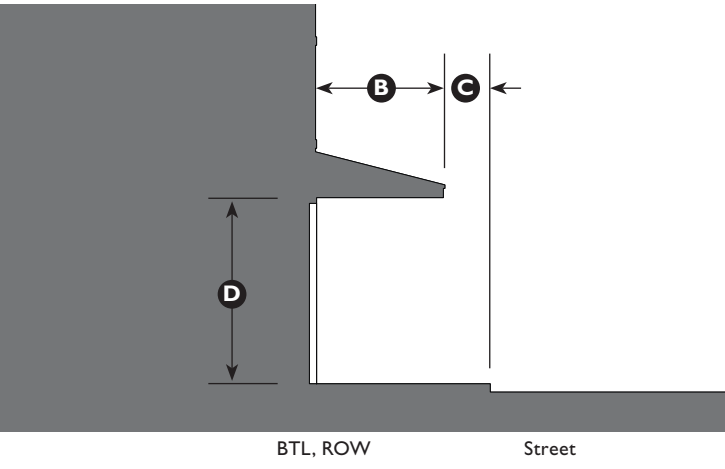
Porch: The main facade of the building is setback from sidewalk or road. The resulting front yard is typically very small and can be defined by a fence or hedge to spatially maintain the edge of the street.

Size		
Width, Clear	10' min.	A
Depth, Clear	7' min.	B
Height, Clear	7' min.	C
Height	2 stories max.	
Finish Level above Sidewalk	12" min.	D
Furniture Area, Clear	4' x 6' min.	E
Path of Travel	3' wide min.	F

Miscellaneous

Porches are open on three sides and must have a roof.

3. Shopfront



Key --- ROW / Property Line - - - - - Setback Line

Description

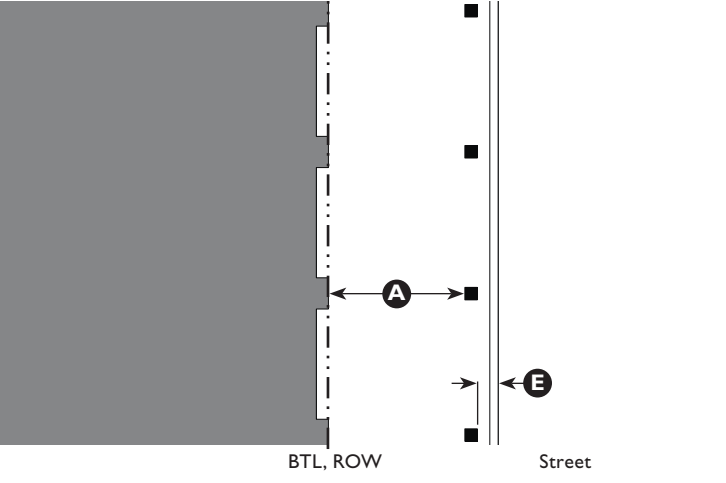
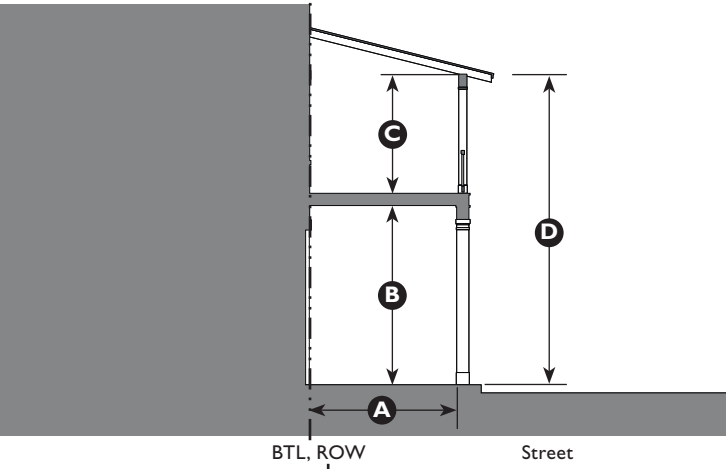
Shopfront: The main facade of the building is at or near the frontage line with an at-grade entrance along the public way. This type is intended for retail use. It has substantial glazing at the sidewalk level and may include an awning that may overlap the sidewalk. It may be used in conjunction with other frontage types.

Size		
Distance between Glazing	2' max.	A
Ground Floor Transparency	75% min.	
Depth of Recessed Entries	5' max.	
Awning		
Depth	4' min.	B
Setback from Curb	2' min.	C
Height, Clear	8' min.	D

Miscellaneous

Residential windows shall not be used.
Operable and open-ended awnings are encouraged.

4. Gallery



Key --- ROW / Property Line - - - - - Setback Line

Description

Gallery: The gallery element overlaps the sidewalk. This type is intended for buildings with ground-floor commercial uses and may be one or two stories. The gallery should extend far enough from the building to provide adequate protection and circulation for pedestrians and extend close enough to the curb so that a pedestrian cannot bypass it.

Size		
Depth, Clear	8' min.	A
Ground Floor Height, Clear	11' min.	B
Upper Floor Height, Clear	9' min.	C
Height	2 stories max.	D
Setback from Curb	2' min.; 3' max.	E

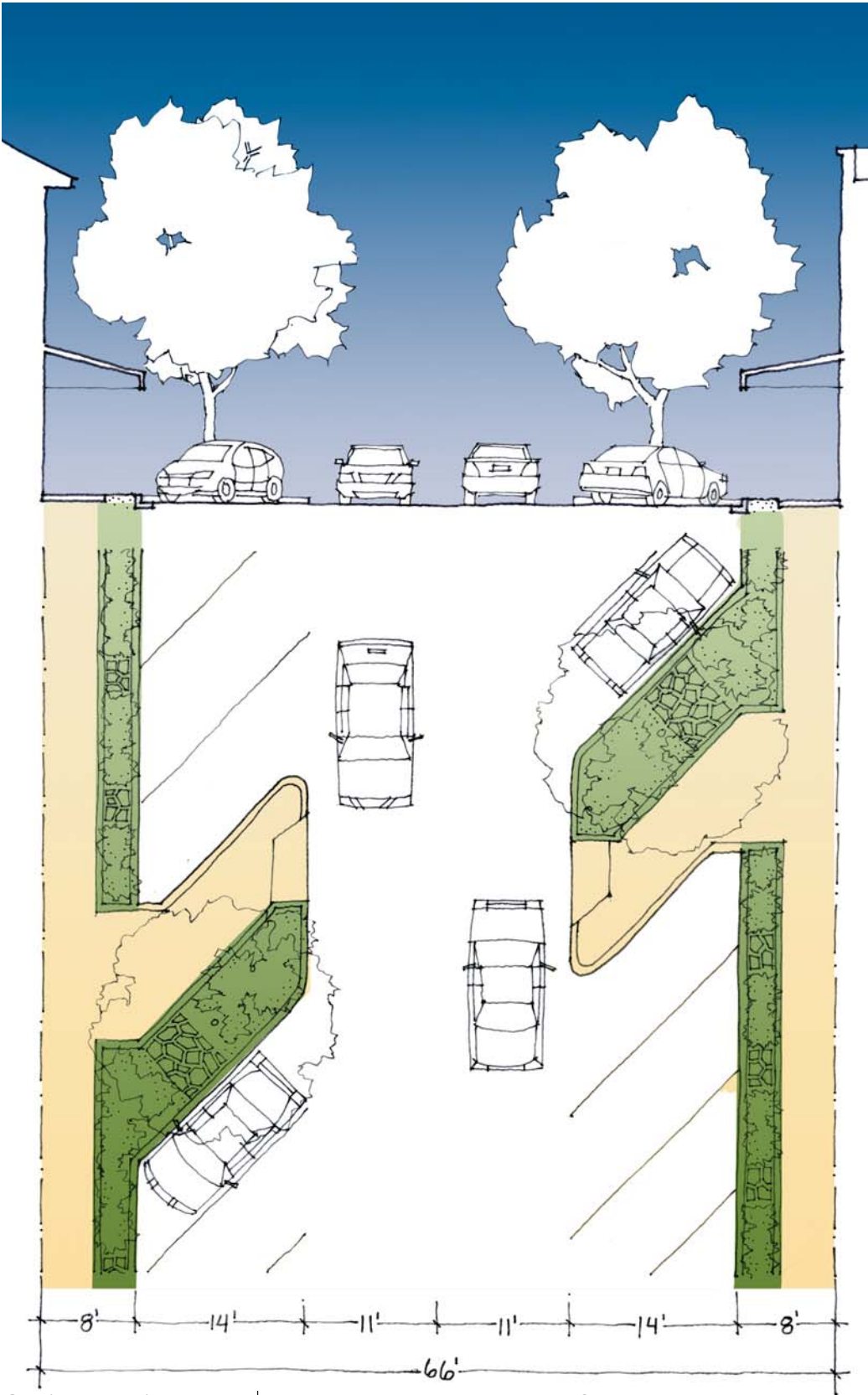
Miscellaneous

Upper-story galleries facing the street must not be used to meet primary circulation requirements.
Galleries must have a consistent depth along a frontage.
Gallery must project over a sidewalk.

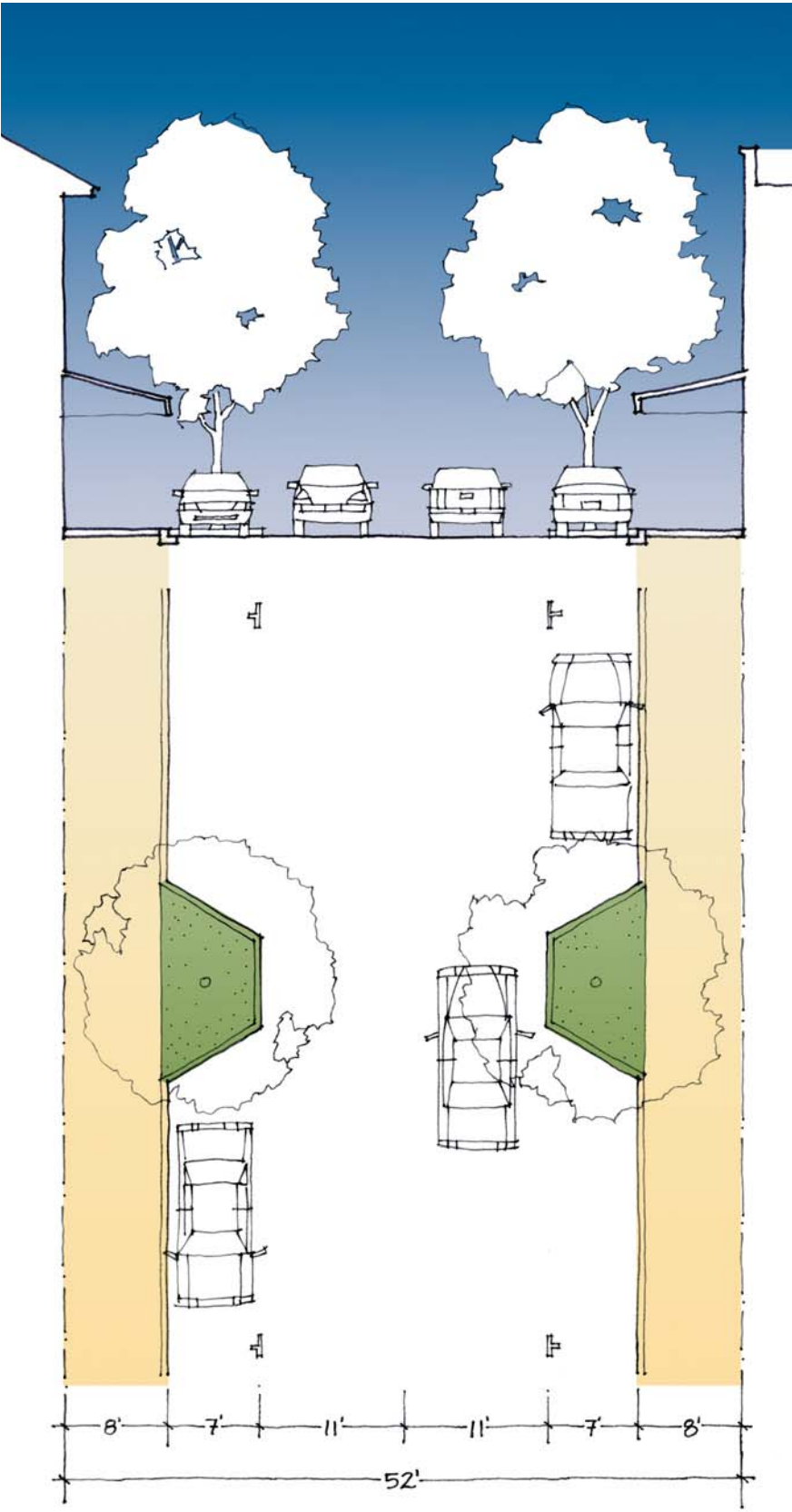
Street Standards

The intent of this section is to provide a catalog of street assemblies that are appropriate to use within on the Rancheria holdings. Street assemblies are suitable for use in new developments, as well as the retrofit of existing locations. The street assemblies are organized into classifications, including Main Streets, Residential Streets, and Special Streets.

1. 66' Neighborhood Main Street



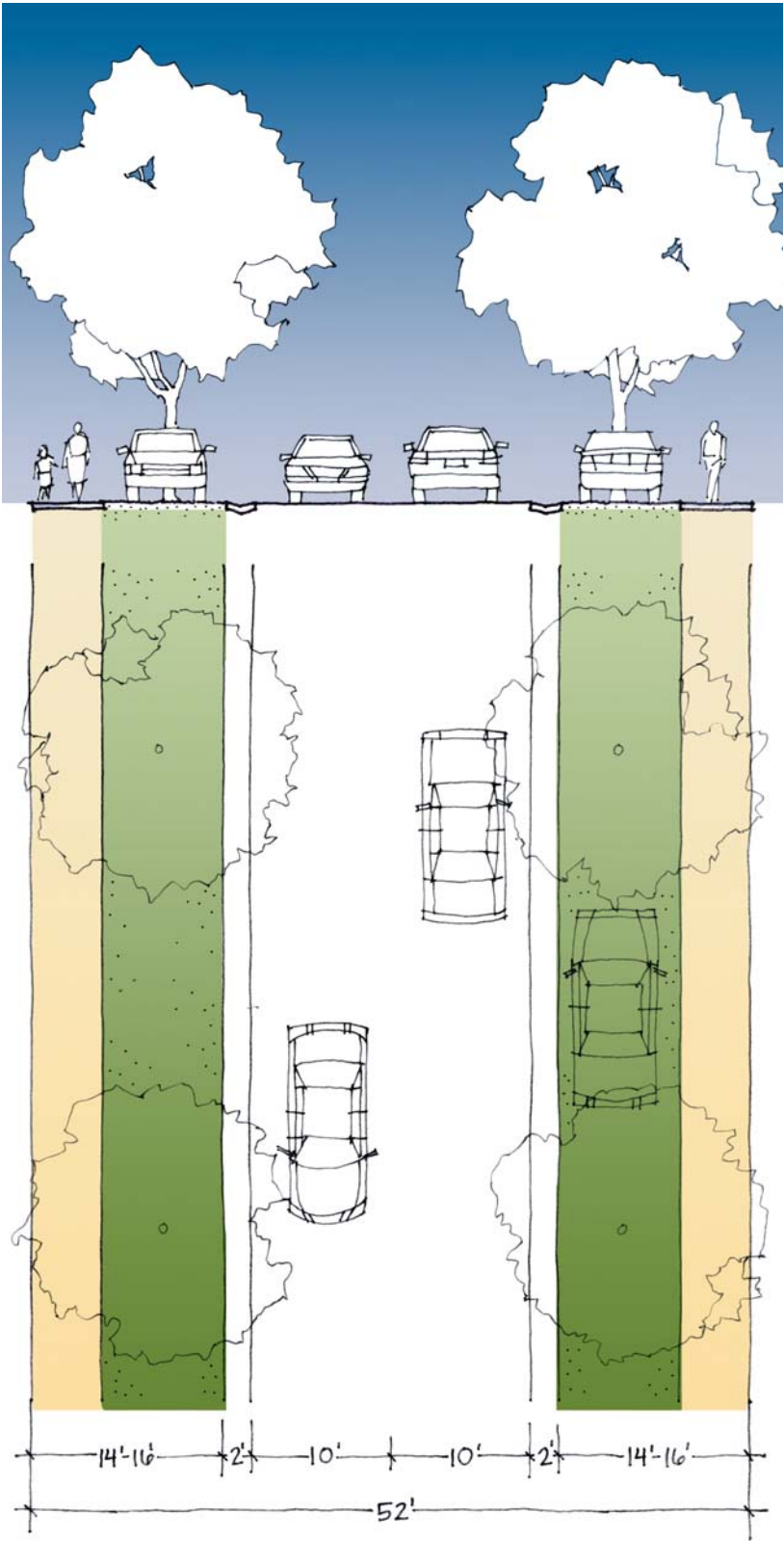
2. 52' Neighborhood Main Street



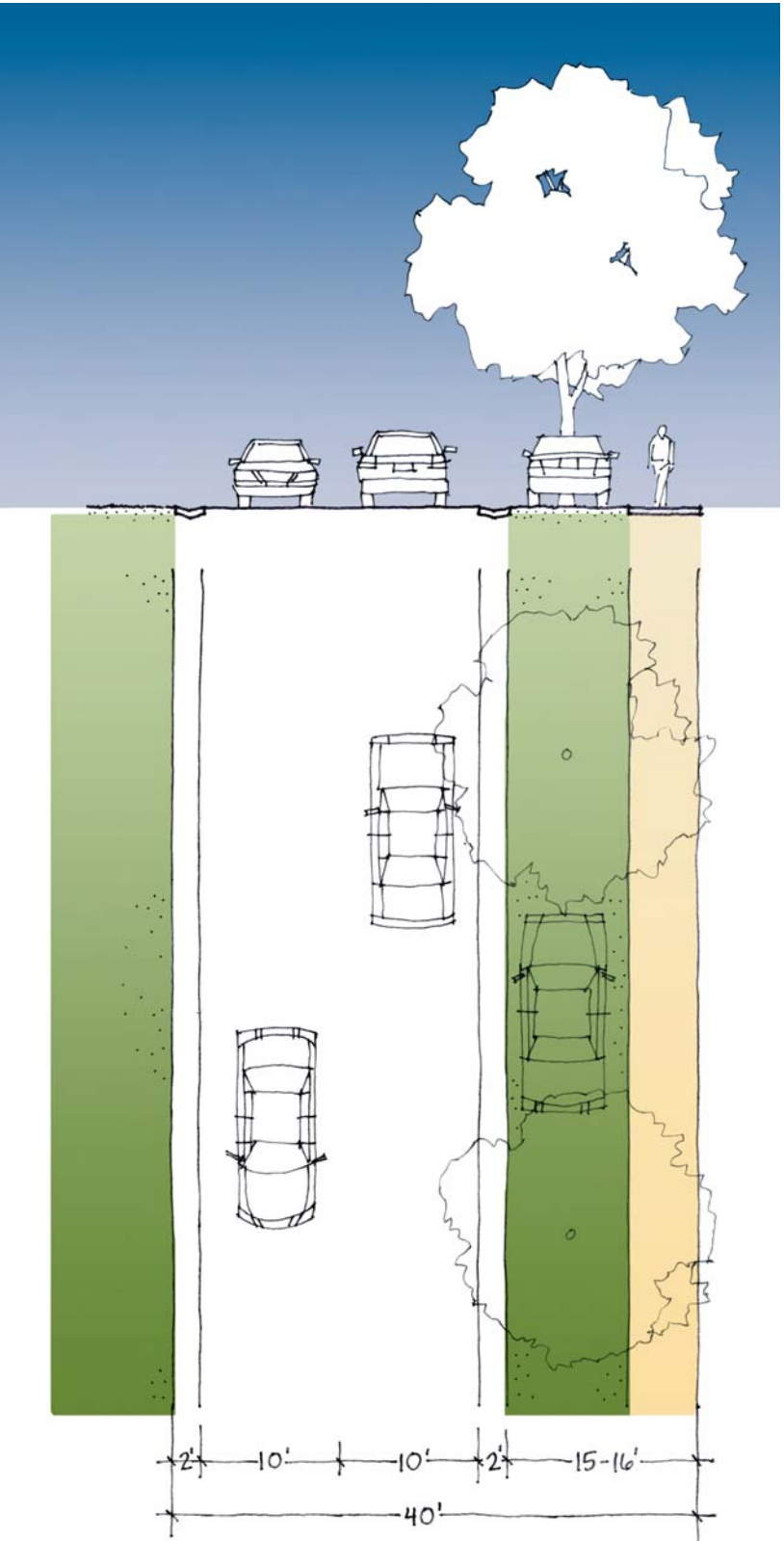
1. 66' Neighborhood Main Street	
Application	
Design Speed	20 mph
Pedestrian Crossing Time	9 seconds
Overall Widths	
Right-of-Way (ROW) Width	66'
Pavement Width	22'
Lanes	
Traffic Lanes	2 @ 11'
Parking Lanes	2 @ 14', marked
Edges	
Drainage Collection Type	curb and gutter
Planter Type	trees in bulb-outs
Landscape Type	trees at 30' o.c. avg.
Walkway Type	5' sidewalk
Curb Type	square
Intersection	
Curb Radius	10' max.

2. 52' Neighborhood Main Street	
Application	
Design Speed	20 mph
Pedestrian Crossing Time	5.5 seconds
Overall Widths	
Right-of-Way (ROW) Width	52'
Pavement Width	22'
Lanes	
Traffic Lanes	2 @ 11'
Parking Lanes	2 @ 7', marked
Edges	
Drainage Collection Type	curb and gutter
Planter Type	trees in bulb-outs
Landscape Type	trees at 30' o.c. avg.
Walkway Type	8' sidewalk
Curb Type	Square
Intersection	
Curb Radius	10' max.

3. 52' Residential Street



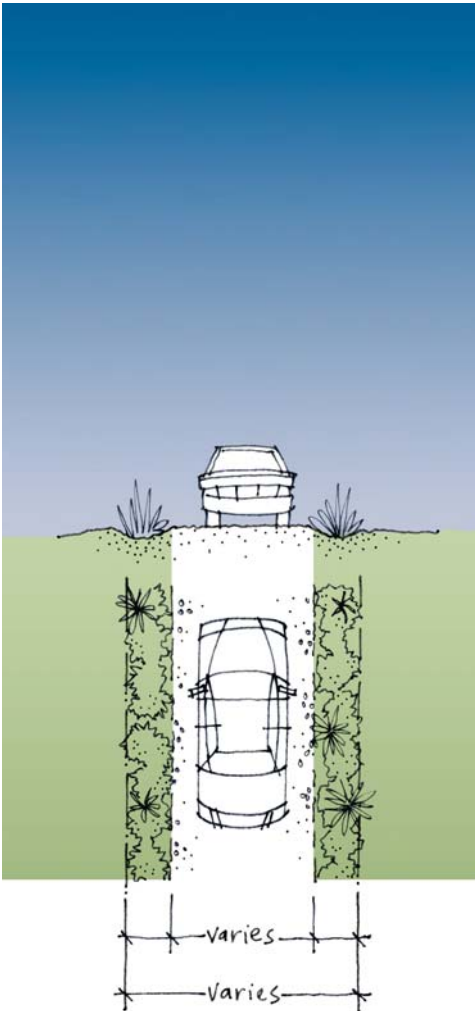
4. 40' Residential Street



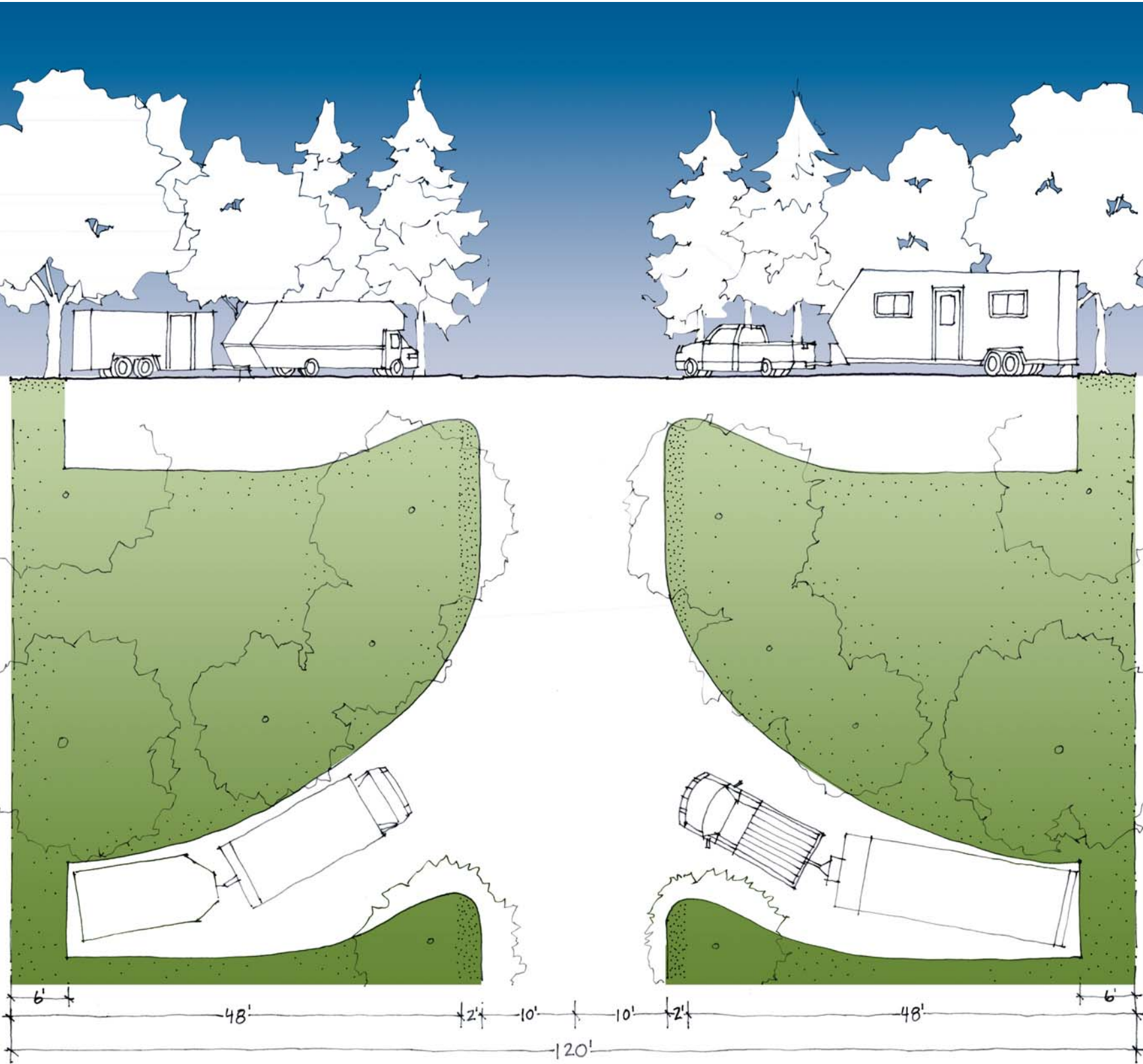
3. 52' Residential Street	
Application	
Design Speed	20 mph
Pedestrian Crossing Time	5 seconds
Overall Widths	
Right-of-Way (ROW) Width	52'
Pavement Width	20'
Lanes	
Traffic Lanes	2 @ 1'
Parking Lanes	8' min. pervious surface
Edges	
Drainage Collection Type	gutter pan
Planter Type	trees in cont. planter
Landscape Type	trees at 50' o.c. avg.
Walkway Type	5' min. sidewalk
Curb Type	none
Intersection	
Curb Radius	10' max.

4. 40' Residential Green Street	
Application	
Design Speed	20 mph
Pedestrian Crossing Time	4 seconds
Overall Widths	
Right-of-Way (ROW) Width	40'
Pavement Width	20'
Lanes	
Traffic Lanes	varies
Parking Lanes	8' min. pervious surface
Edges	
Drainage Collection Type	varies
Planter Type	trees in cont. planter
Landscape Type	trees at 50' o.c. avg.
Walkway Type	5' mn. sidewalk
Curb Type	none
Intersection	
Curb Radius	10' max.

5. Rural Residential Drive



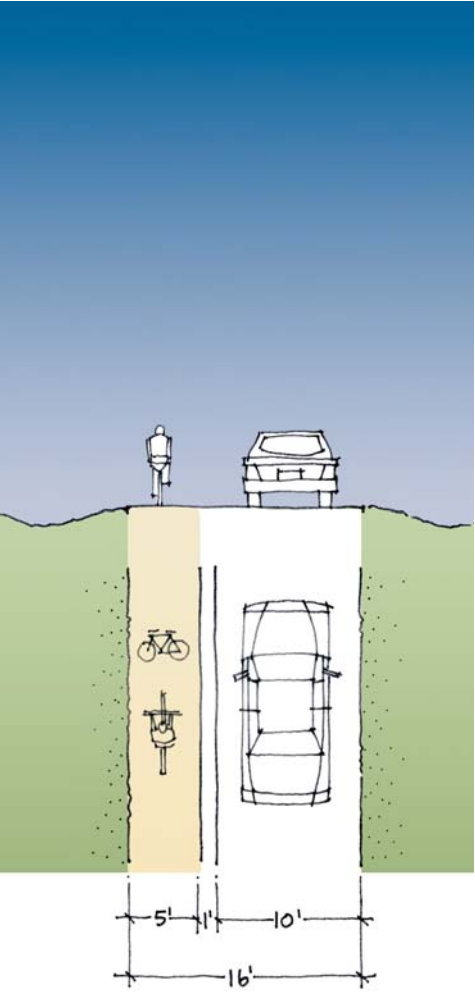
6. 120' Recreational Camping Drive



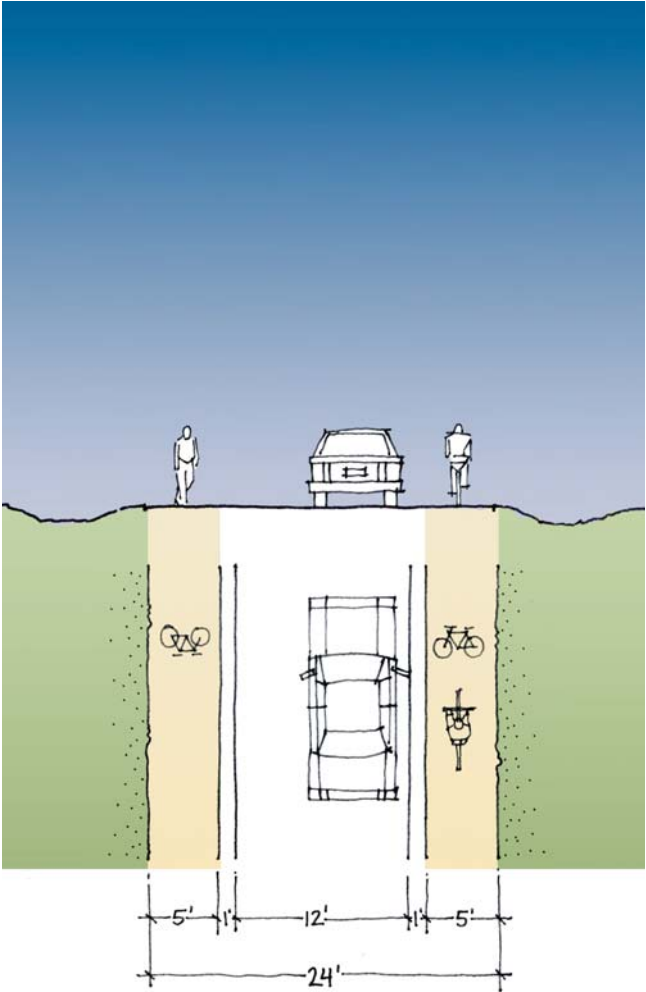
5. Rural Residential Drive	
Application	
Design Speed	20 mph
Pedestrian Crossing Time	9 seconds
Overall Widths	
Right-of-Way (ROW) Width	varies
Pavement Width	12' min.
Lanes	
Traffic Lanes	1 @ 12' min. shared
Parking Lanes	none
Edges	
Drainage Collection Type	swale
Planter Type	none
Landscape Type	none
Walkway Type	none
Curb Type	none
Intersection	
Curb Radius	n/a

6. 120' Recreational Camping Drive	
Application	
Design Speed	20 mph
Pedestrian Crossing Time	9 seconds
Overall Widths	
Right-of-Way (ROW) Width	66'
Pavement Width	22'
Lanes	
Traffic Lanes	2 @ 10'
Parking Lanes	2 @ 14', marked
Edges	
Drainage Collection Type	swale
Planter Type	none
Landscape Type	none
Walkway Type	none
Curb Type	none
Intersection	
Curb Radius	none

7. 16' Scenic Drive



8. 24' Scenic Drive



7. 16' Scenic Drive	
Application	
Design Speed	15 mph
Pedestrian Crossing Time	4 seconds
Overall Widths	
Right-of-Way (ROW) Width	52'
Pavement Width	16'
Lanes	
Traffic Lanes	1 @ 10', shared
Parking Lanes	none
Edges	
Drainage Collection Type	swale
Planter Type	none
Landscape Type	none
Walkway Type	5' painted sidewalk
Curb Type	none
Intersection	
Curb Radius	none

8. 24' Scenic Drive	
Application	
Design Speed	15 mph
Pedestrian Crossing Time	6 seconds
Overall Widths	
Right-of-Way (ROW) Width	66'
Pavement Width	24'
Lanes	
Traffic Lanes	1 @ 12', shared
Parking Lanes	none
Edges	
Drainage Collection Type	swale
Planter Type	none
Landscape Type	trees at 30' o.c. avg.
Walkway Type	5' painted sidewalk
Curb Type	none
Intersection	
Curb Radius	none

9. Single Lane Roundabout



9. Single Lane Roundabout	
Application	
Design Speed	Slow
Overall Widths	
Right-of-Way (ROW) Width	180' inscribed diameter typ. 80' width typ.
Curb Face to Face Width	115' typ.
Lanes	
Traffic Lanes (within circle)	20'
Entry Lane/Radius	16' / 45° R
Exit Lane/Radius	18' / 65° R
Central Island	75' diameter typ.
Apron (mountable)	10'
Miscellaneous	
Splitter Island	varies
Planting Strip	varies
Pedestrian Crossing	10' typ.
Sidewalks	5' min.

Water Resources

This section provides goals, policies, and standards for domestic water, wastewater, and rainwater capture. This section also provides best practice practices (BMPs) for stormwater management, and stormwater management plans for each of the Rancheria parcels.

Existing Conditions and Potential

Domestic Water Existing Conditions

The Trinidad Rancheria’s main parcel and the Westhaven parcel are currently provided domestic water by the City of Trinidad. As a policy, the City charges high rates for users who are outside of the city limits, such as the Rancheria. Consequently, the Rancheria incurs relatively high water costs when compared to similar local users. The Archer Road parcel is connected to McKinleyville’s domestic water system; this connection appears to be functioning properly and in good repair.

The casino, located on the main parcel, has a water storage tank on site with a capacity of approximately 150,000 gallons. This tank serves as fire storage and domestic surplus to offset peak demand within the casino.

Wastewater Existing Conditions

The main parcel currently has a membrane bioreactor (MBR) wastewater treatment system that treats approximately 60-70% of the parcel’s wastewater. Recycled water from this plant has been reused for toilet flushing within the casino since 1999. The remaining 30-40% of the parcel’s wastewater flow goes to two community leach fields. The Westhaven parcel has two community leach fields, one of which requires effluent to be pumped to it. On the Archer Road parcel, there is one community leach field and an undetermined number of separate individual septic systems. Many of these various septic systems are in need of repair or replacement and are leaking; at the tanks and/or the leach field. This has led to current contamination issues caused by wastewater flowing directly into streams. Although not independently verified, it was reported that the leakage has also caused instability of the bluffs on the main parcel.

Water Resource Inventory

Humboldt County receives a great deal of rainfall every year, with the highest concentration occurring along the coast. The City of Trinidad in particular receives an average of about 38 inches per year. This rainfall represents an untapped resource that if captured can begin to decrease the Rancheria’s dependence on City water and increase the sustainability of the site itself. The region presents a favorable application for rainwater capture because rain falls year round, allowing for a reduction in storage volume as compared to the typical climates farther south in California.

Water Resource Site Development Goal and Strategies

Goal:

Remove dependency on City of Trinidad water supplies through a variety of alternative water resources and ultimately become a water provider to the City.

Strategies:

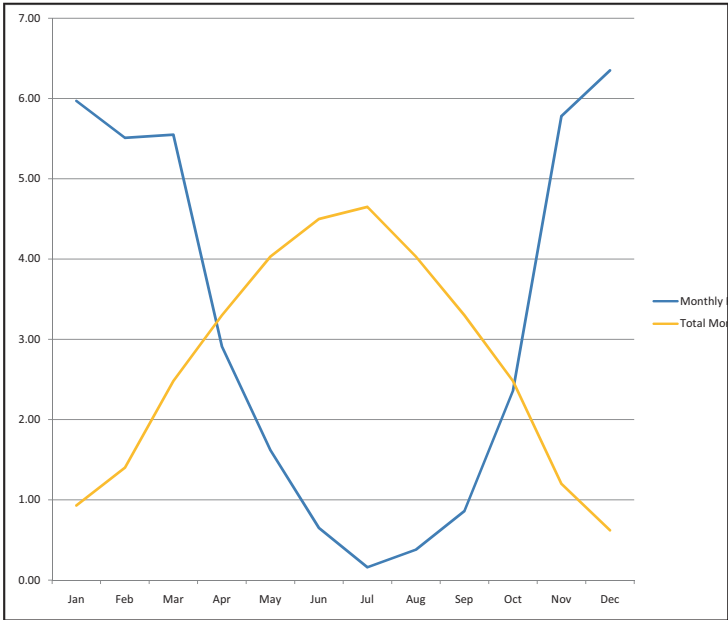
- Explore the suitability of the aquifer to support wells for the Rancheria by drilling test wells and analyzing the production capability of the aquifer.
- Utilize rainwater for non-potable domestic and irrigation uses with the installation of rainwater harvesting systems and storage.
- Reuse gray water on site for irrigation purposes during summer months.

Goal:

Rectify wastewater flows to remove pollution to bluffs and streams and consolidate flows on main parcel to centralized wastewater treatment system.

Strategies:

- New construction on the main parcel should send wastewater to the wastewater treatment plant serving the casino. Expand with package treatment plants as necessary.
- Connect existing rural residential lots to the centralized wastewater treatment plant that are not already connected.
- Utilize septic tank effluent pumping (STEP) system on the Westhaven parcel and build connection to main parcel to send wastewater to wastewater treatment plant.
- Repair and maintain septic systems on Archer Road parcel and build new leach fields for new assignments.



Water Resource Management Standards

Water Supply Standards

All new construction on the main Rancheria parcel should install rainwater harvesting systems and storage in order to utilize rainwater for non-potable domestic and irrigation uses.

All new construction on the main Rancheria parcel should reuse gray water on site for irrigation purposes at a minimum, during summer months.

Wastewater Management Standards

All new construction on the main Rancheria parcel should send wastewater to the wastewater treatment plant serving the casino. Package Treatment Plants should be utilized to handle additional treatment as needed.

All existing rural residential lots should be connected to the centralized wastewater treatment plant.

The Westhaven Parcel should implement a Septic Tank Effluent Pumping (STEP) system and build a connection to the Main Parcel in order to send wastewater to the wastewater treatment plant.

All septic systems on Archer Road should be in fully functioning condition. New land allotments shall be provided new leach fields prior to new development.

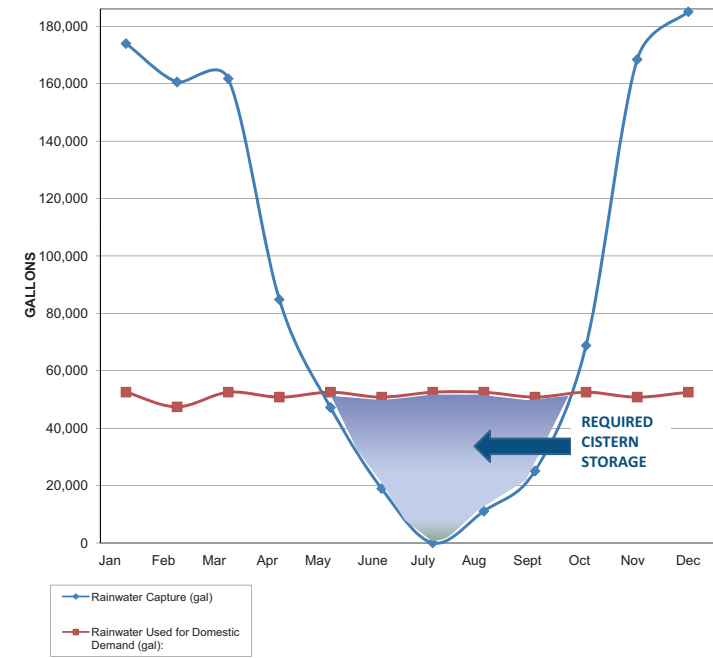
Rainwater Capture Scenario

Rainwater Capture Scenario

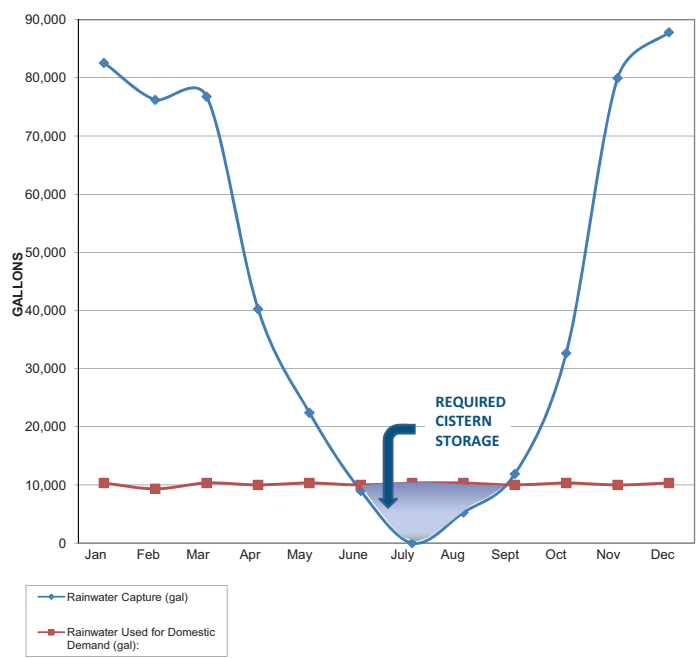
By retrofitting the existing casino and tribal offices to capture rainwater from their respective roofs and installing water storage cisterns, the Rancheria can significantly offset City water imports. Using the existing casino roof for catchment, a rainwater collection system with a 170,000 gallon cistern for storage would be adequate to meet the entirety of the casino’s water demands. Treatment, including filtration and disinfection, would be necessary to achieve potable water quality. Similarly, a 20,000 gallon cistern installed at the tribal offices to store water collected from the roofs would be adequate to serve all of the interior water demands. At an estimated cost of \$240,000, and, based on water bills from the summer of 2010, the payback period for the Rancheria would be about 29 years.

In addition to this large-scale rainwater capture scenario, individual residences can collect rainwater for use in irrigation. Single-home rainwater capture system vary in complexity from systems that include cisterns and use rainwater inside the home to systems as simple as a rain barrel connected to the roof downspouts. Either way, the utilization of a resource as plentiful as rainwater will reduce the dependence on Trinidad’s municipal water supply.

Casino Cistern Water Balance



Tribal Offices Cistern Water Balance



WATER BALANCE CALCULATIONS
Trinidad Rancheria - California

Calculations by Amy Kam
1-Apr-11

Based on:

- 1) Average long-term monthly rainfall totals provided by local National Weather Service stations for the 2010 water year.
- 2) Evapotranspiration (ETo) data provided by local California Irrigation Management and Information Systems (CIMIS) Reference Eto Zones (2010).
- 3) Rainwater harvested from:

68,935 sf of roof with collection efficiency of 85%

- 4) Building footprints estimated from aerial photos.
 - Casino 55,000 sf
 - Tribal Offices 26,100 sf
 - TOTAL 81,100 sf

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Monthly Rainfall Totals (in):	5.97	5.51	5.55	2.91	1.62	0.65	0.16	0.38	0.86	2.36	5.78	6.35	38.10

TOTAL DOMESTIC DEMAND

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Total:	62,822	56,742	62,822	60,795	62,822	60,795	62,822	62,822	60,795	62,822	60,795	62,822	739,674
Days (8/22 - 9/29) 39													
Casino 8,830 cf 66,048 gal 1,694 gpd													
Tribal Offices (north & south) 1,736 cf 12,985 gal 333 gpd													
TOTAL 10,566 cf 79,034 gal 2,027 gpd													
Domestic water use based on September 2010 City of Trinidad Water Department customer bills.													

RAINWATER CAPTURED

Casino													
Rainwater Capture (cf):	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
	23,258	21,466	21,622	11,337	6,311	2,532	0	1,480	3,350	9,194	22,518	24,739	147,808
(gal):	173,971	160,566	161,732	84,800	47,208	18,942	0	11,074	25,061	68,772	168,434	185,044	1,105,603
Rainwater in Cistern- Beginning of Month (gal):	147,071	170,000	170,000	170,000	170,000	164,708	132,843	80,343	38,917	13,171	29,444	147,071	--
Rainwater Used for Domestic Demand (gal):	52,500	47,419	52,500	50,806	52,500	50,806	52,500	52,500	50,806	52,500	50,806	52,500	618,145
Deficit (gal)					-5,292	-31,865	-52,500	-41,426	-25,745				156,829
Rainwater Used for Irrigation (gal):	0	0	0	0	0	0	0	0	0	0	0	0	0
Controlled Releases (gal):	98,542	113,147	109,232	33,993	0	0	0	0	0	0	0	109,616	464,529
Rainwater in Cistern- End of Month (gal):	170,000	170,000	170,000	170,000	164,708	132,843	80,343	38,917	13,171	29,444	147,071	170,000	---

Minimum
Required Storage (gal)

Tribal Offices

Rainwater Capture (cf):	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
	11,037	10,187	10,261	5,380	2,995	1,202	0	703	1,590	4,363	10,686	11,740	70,142
(gal):	82,557	76,196	76,749	40,241	22,402	8,989	0	5,255	11,893	32,636	79,930	87,812	524,659
Rainwater in Cistern- Beginning of Month (gal):	20,000	20,000	20,000	20,000	20,000	20,000	19,000	8,678	3,612	5,516	20,000	20,000	--
Rainwater Used for Domestic Demand (gal):	10,322	9,323	10,322	9,989	10,322	9,989	10,322	10,322	9,989	10,322	9,989	10,322	121,529
Deficit (gal)						-1,000	-10,322	-5,067					16,388
Rainwater Used for Irrigation (gal):	0	0	0	0	0	0	0	0	0	0	0	0	0
Controlled Releases (gal):	72,235	66,873	66,427	30,253	12,081	0	0	0	0	7,830	69,941	77,490	403,130
Rainwater in Cistern- End of Month (gal):	20,000	20,000	20,000	20,000	20,000	19,000	8,678	3,612	5,516	20,000	20,000	20,000	---

Minimum
Required Storage (gal)

Water_Balance.xls

4/1/2011

CISTERN LIFE CYCLE ANALYSIS
Trinidad Rancheria - California

Calculations by Amy Kam; Michael Amodeo
1-Apr-11

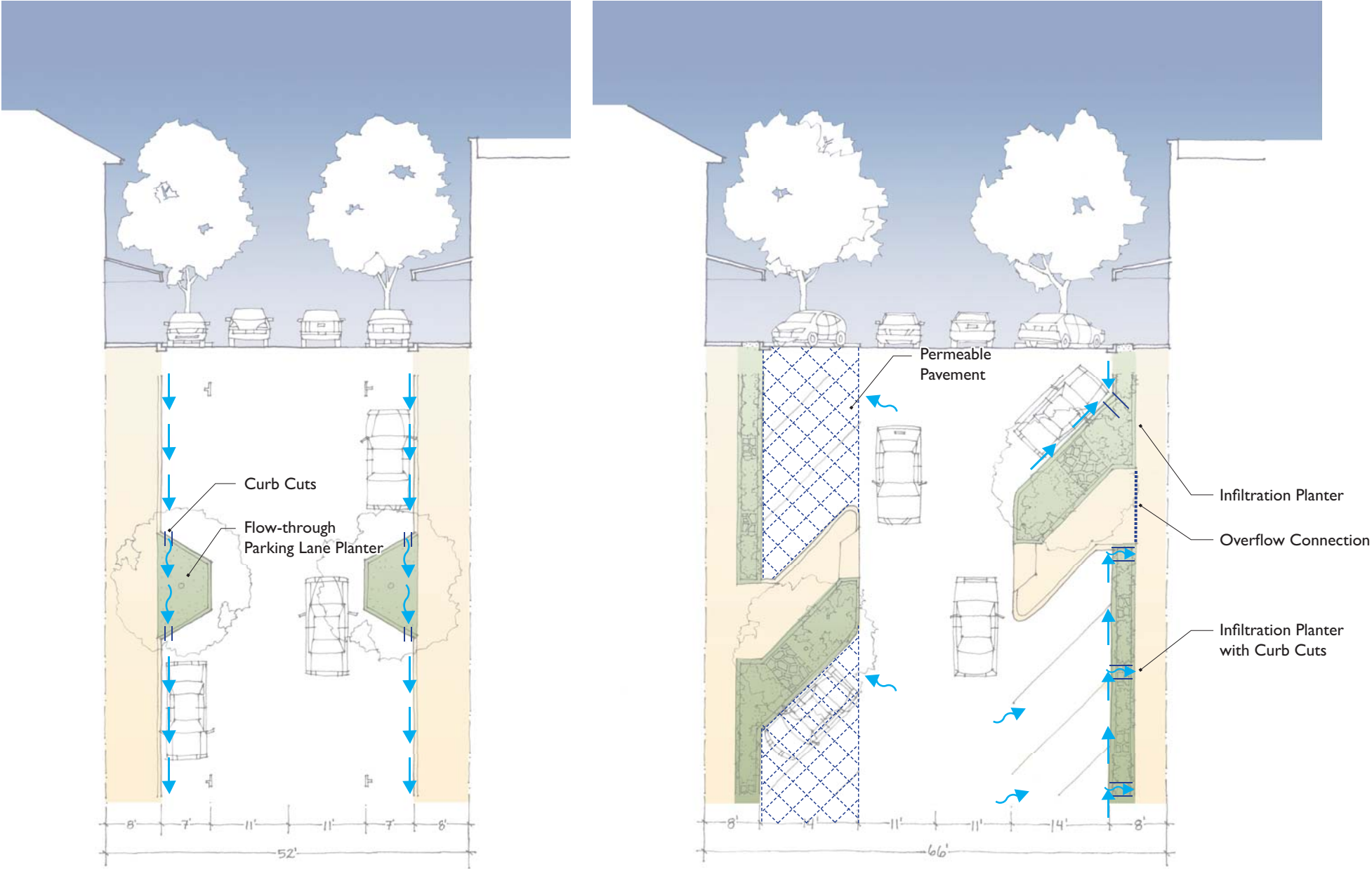
Based on:

- 1) Cistern / storage tanks assumed to cost: \$1.00 /gal
- 2) Water use charges computed using 2010 rates for 8/22 to 9/29:

	Use (ccf)	Use (gal)	Cost (\$)	Cost (\$/gal)
Casino	8,830	66,048	\$375.72	\$0.006
Offices	1,736	12,985	\$147.91	\$0.011
Landscaping	0	0	\$52.43	
TOTAL			\$576.06	

CASINO & OFFICES

	Cost (\$)
39-Day Water Use	\$576.06
Annual Water Use	\$5,391.33
Cistern Cost (170,000 gal)	\$170,000.00
Cistern Cost (20,000 gal)	\$20,000.00
Treatment Cost	\$50,000.00
Total Cost	\$240,000.00
Rate of Inflation	3.0%
Years to Recover Cistern Cost	29



LID stormwater features can also be easily incorporated into the street sections. The figures on the following pages illustrate the use of planters within the street section to treat stormwater both qualitatively and quantitatively. Permeable paving in the parking areas can also decrease the runoff leaving the site while replenishing the groundwater table.

Stormwater

Existing Conditions

The Rancheria experiences significant non-point source (NPS) pollution, as detailed in the Trinidad Rancheria Environmental Plan, August 2008. Sediments and other pollutants such as oils, heavy metals, and toxic chemicals are picked up by stormwater flowing across roads and parking areas. In many cases, this water flows directly into streams that lead into the ocean, detrimentally impacting the water ecology. The main Rancheria parcel is within the watershed of McConnahas Mill Creek, and the McKinleyville parcel is within the watershed of Duke Creek. The Rancheria has no official requirements for stormwater management, but tribal interest in sustainable stormwater management has lead to recent projects to manage stormwater through decentralized treatment.

Low Impact Development (LID) Elements and Methods

Rainwater is often considered a waste product and nuisance; therefore, traditional strategies have targeted removing runoff from a site as quickly as possible. Within developed areas, impervious surfaces such as streets, sidewalks, driveways, parking lots, and buildings prevent stormwater from infiltrating into the ground, so the rate and total volume of runoff is increased over natural conditions. These flows are collected into storm drain infrastructure that often cannot handle peak flows; converting what would otherwise be dispersed, minor flooding into concentrated pockets of intense major flooding when they overflow.

Although it is possible to address storm drain deficiencies through traditional methods, an alternative approach involves treating rainwater as a resource, facilitating a return to sustainable, more natural conditions. Low Impact Designs (LID) attempt to mimic the natural hydrologic process by allowing rainfall to slowly infiltrate into plants and soils near where it falls, rather than immediately routing it into storm drains. This process of slowing and absorbing not only reduces the burden on storm drains and downstream discharge points (thereby addressing both existing and future capacity constraints), but improves the quality of runoff by filtering out many of the pollutants it picks up when flowing across paved surfaces. This can help reduce the concentration of pollutants within the Rancheria’s creeks, and also improve the quality of water discharged to the Pacific Ocean. Localized infiltration could also increase percolation into and recharge of the aquifer that underlies the Rancheria and could potentially serve as a significant water source. The magnitude of this particular benefit would have to be confirmed through groundwater studies, though. Appropriate LID techniques and mitigation measures designed to increase control of stormwater at the source, and which are suitable for implementation in the Rancheria parcels, are presented in the following sections.

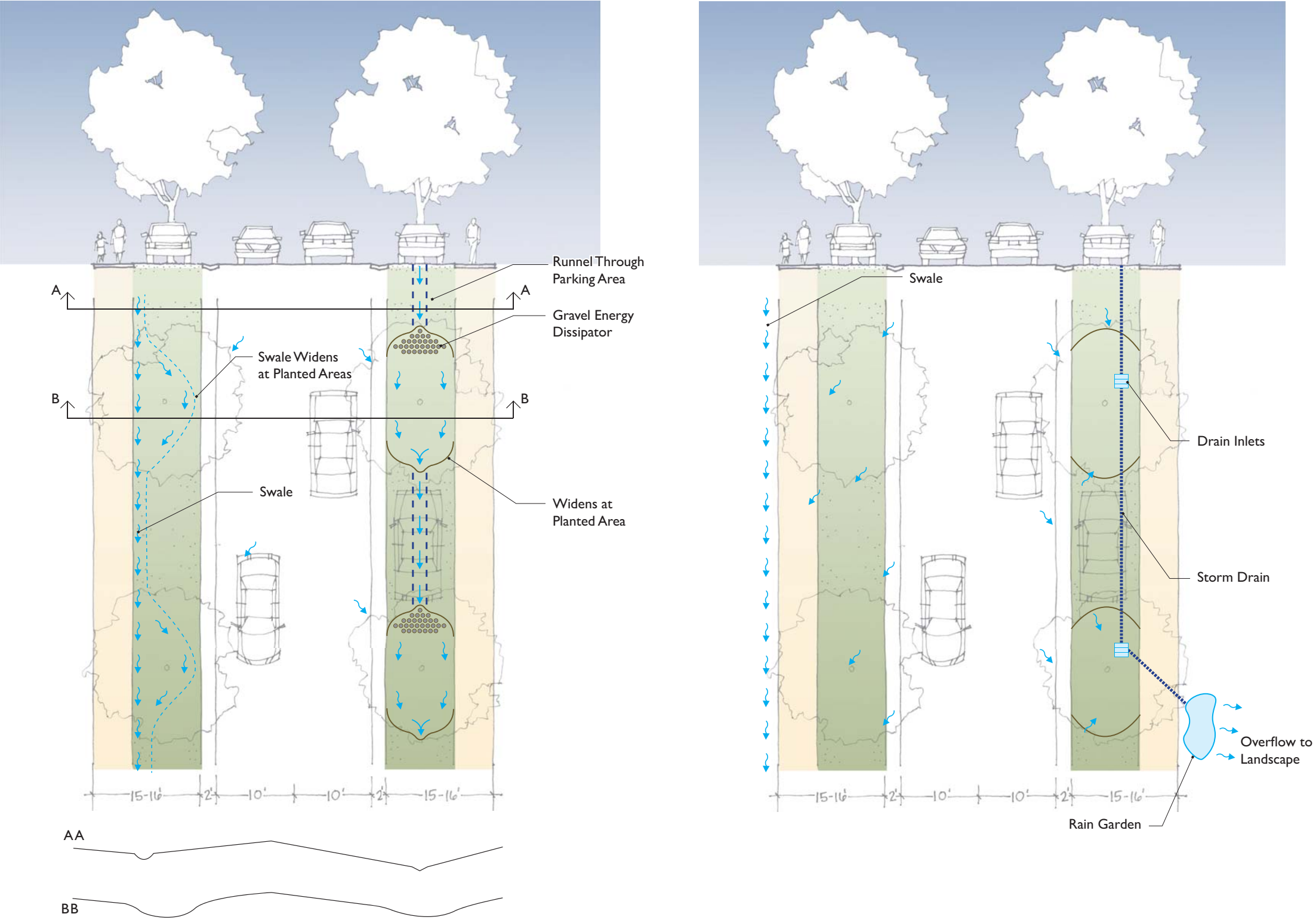
Site Development Goal and Strategies

Goal:

Improve quality and decrease quantity of stormwater flow off site and into creeks and ocean.

Strategies:

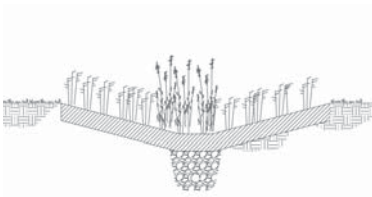
- Infiltrate stormwater close to where it falls to reduce the need for pipes and infrastructure.
- Decentralize off-site flows to reduce erosion to bluffs and creek banks.
- Collect rainwater from rooftops to use as alternative water source.



Stormwater Management Types

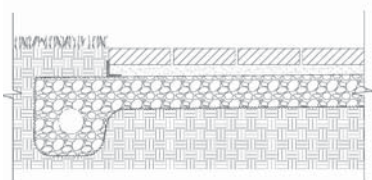
Vegetated Swale

Vegetated swales are shallow drainage ways that employ landscaping to stabilize the soil while providing water quality treatment via biofiltration. They are designed to remove silt and sediment associated pollutants before discharging to storm sewers and to reduce volume if soils allow for infiltration. The treatment area can be planted in a variety of grasses, sedges and rushes, while the side slopes can be planted with shrubs and groundcover. Check dams are added to aid infiltration.



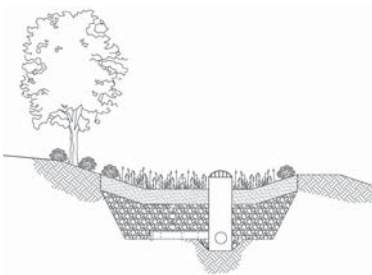
Pervious Paving

Pervious paving systems allow water to pass freely through the interstitial space ingrained throughout the paving matrix, thereby transforming traditionally impervious surfaces. Several examples are pervious concrete and asphalt, interlocking pavers, and reinforced gravel and grass paving.



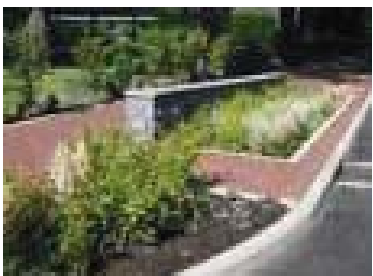
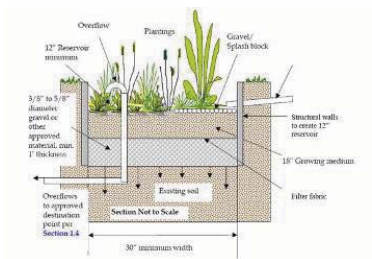
Rain Gardens

Rain gardens are flat-bottomed landscaped depressions that can be built to any size or shape. Also known as 'bioretention cells', they are designed to allow water to settle and infiltrate into the soil. They reduce the peak discharge rate from a site via detention. Water quality improvements are achieved through particle settling, nutrient uptake, and filtration as water soaks into the ground.



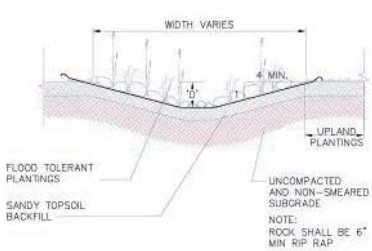
Flow Through Planters

Flow-through planters are landscape features that also provide stormwater runoff control and treatment. Flow-through planters are sealed on all sides and fitted with an underdrain. They only absorb as much water as soil and plants in the planter can accommodate. Once the planter is at capacity, water is then discharged through the underdrain. They are ideal for receiving roof runoff from downspouts and can be incorporated into foundation walls.



Naturalized Channel

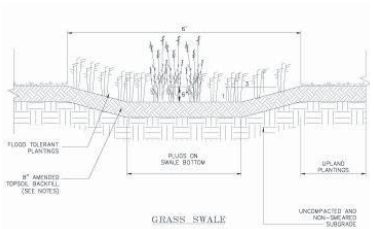
A natural channel is a meandering, vegetated watercourse with natural banks. It is buffered from development zones by large uncultivated landscape.



Stormwater Management Types (continued)

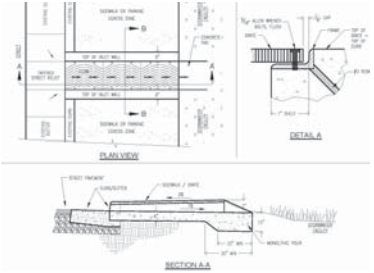
Community Swale

Community swales are similar in size to a natural swale, but more linear in design to conform to the adjacent development zones (i.e. walkways, roadways, and buildings).



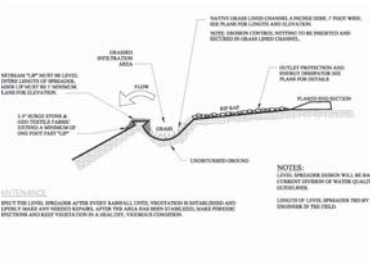
Urban Channel

Urban channels are narrow vegetated or stone lined conveyances framed by vertical stone or concrete banks abutting cultivated landscapes or hardscapes.



Level Spreader

Level spreaders are structures that are designed to uniformly distribute concentrated flow over a large area to mimic natural sheet flow. Concentrated flow enters the spreader through a pipe, ditch or swale; the flow is retarded, energy is dissipated; the flow is distributed throughout a long linear shallow trench or behind a low berm; water then flows over the berm/ditch uniformly (in theory) along the entire length.



Cisterns

Cisterns function similar to rain barrels by collected stormwater and storing it for reuse, but on a much larger scale. Cisterns can be stored above ground, buried below ground, or located inside of buildings. They typically store rainwater for reuse in irrigation, mechanical uses, toilet flushing, and fire prevention.





Main Rancheria Parcel

The main parcel includes a large amount of impervious surfaces, due to the buildings, roads, and parking areas. Utilizing a network of linked LID strategies will filter the pollutants from the driving surfaces and reduce the stormwater volumes and flows and associated to McConnahas Mill Creek. The illustrations on this page show a stormwater master plan based on the proposed development of the site. Planters in and among the parking areas can serve as rain gardens and infiltration planters to reduce off-site stormwater flows. Overflows will travel through pipes to other infiltration areas. A network of swales would also pick up runoff from around the site and convey it towards rain gardens. Lastly, all flows leaving the site at the tops of the hills will pass through level spreaders to decentralize the flow and reduce the risk of erosion.

Further study may be needed where stormwater tools are used in areas with high soil instability.



Existing drainage along Cher-Ae Lane

The introduction of a swale with weirs or check dams along Cher-Ae Lane can slow stormwater down and remove sediments that are currently entering the storm drain inlet at Scenic Drive.



A cascading flow-through planter could be implemented along Cher-Ae Lane



Existing drainage in Casino parking lot

The existing casino parking lot offers excess pavement that can be broken up with the introduction of planters that can treat stormwater through infiltration and pollutant removal.



Flow-through planters



Existing drainage in Casino parking lot

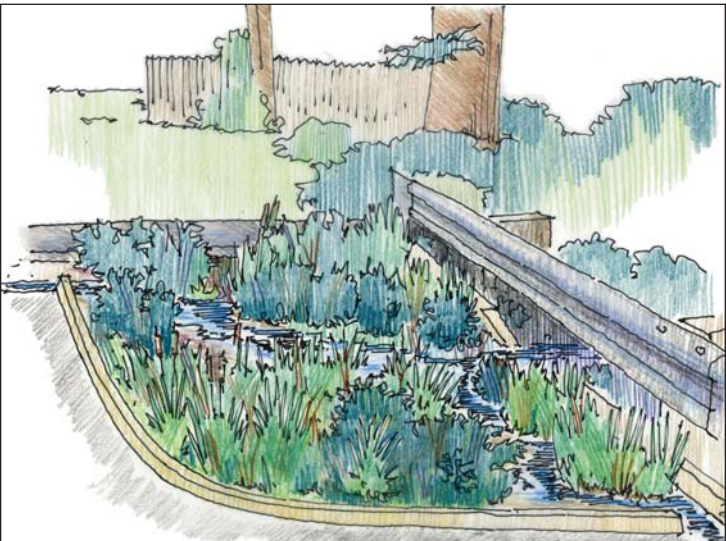


Flow-through planters

Construction of a rain garden surrounding the existing drain inlet in Ma-We-More Lane would address ponding experienced along the curb line and reduce sediments entering the drain inlet.



Westhaven Drive Parcel: Existing



Rain garden design for Westhaven Drive

Sedimentation at the end of Teh-Pah Lane suggests that a rain garden could improve the stormwater collection and treatment of the road while also providing a site amenity.



Caption



Existing drainage

The existing drain inlet at the cul de sac of Twe-Goh Court could be improved with a rain garden that would treat the runoff from the street before allowing overflows off site.



Rain garden precedent

Archer Road Parcel

A stormwater management plan has been created for the Archer Road parcel similar to the main parcel (above). Roadside swales will collect runoff from roads and convey it to rain gardens and the downhill sides of the roads. These rain gardens will have piped overflows that transmit stormwater from large events to level spreaders above the steep hillsides. The level spreaders will decentralize flows as stormwater enters the creeks separating the communities. Further study may be need where stormwater tools are used in areas with high soil instability.



Flow-through planters along a street

1. Infiltration Planters

Infiltration planters reduce stormwater volumes flowing into the storm drain systems by infiltrating water into the groundwater table.



Flow-through planters along a street

2. Flow Through Planters

Flow through planters remove pollutants from street runoff and reduce peak flows to storm drain systems by slowing down flows.



Flow-through planter in a parking lot

3. Green Parking Lot Rain Garden

Planters incorporated into parking lots can remove toxins accumulated from oils on paving surfaces.



Rain garden

4. Detention Area

Rain gardens and other planted detention areas provide stormwater management for both quality and quantity. These can be incorporated in sites with large vegetated areas, such as at the edges of parking lots.



Permeable pavers in parking lot

5. Permeable Pavement

Permeable pavement is an aesthetic solution to stormwater that reduces runoff by infiltrating water into the ground or through subsurface storage.



Flow-through planter along a street

6. Rain Garden

Swales and rain gardens can be incorporated as plantings within street sections to manage stormwater volumes and quality.



Cascading flow-through planter along roadway

7. Swale with Weirs

Various types of weirs or check dams can be applied along steep roads to slow down stormwater for treatment.



Cascading flow-through planter along roadway

8. Swale with Weirs

Various types of weirs or check dams can be applied along steep roads to slow down stormwater for treatment.

Lighting Standards

Adapted from the International Dark-Sky Association’s Simple Guidelines for Lighting Regulations for Small Communities, Urban Neighborhoods, and Subdivisions

The purpose of the regulation is to:

- Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night;
- Curtail and reverse any degradation of the nighttime visual environment and the night sky;
- Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
- Conserve energy and resources to the greatest extent possible;
- Help protect the natural environment from the damaging effects of night lighting.

All outdoor lighting fixtures (luminaires) shall be installed in conformance with these Regulations and with the provisions of the Building Code, the Electrical Code, and the Sign Code, as applicable and under permit and inspection, if such is required.

Maximum Lamp Wattage and Required Luminaire or Lamp Shielding:

All lighting installations shall be designed and installed to be fully shielded (full cutoff), except as in exceptions below, and shall have a maximum lamp wattage of 250 watts HID (or lumen equivalent) for commercial lighting, 100 watts incandescent, and 26 watts compact fluorescent for residential lighting (or approximately 1,600 lumens). In rural residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible from the street.

Lighting that is exempt from these regulations:

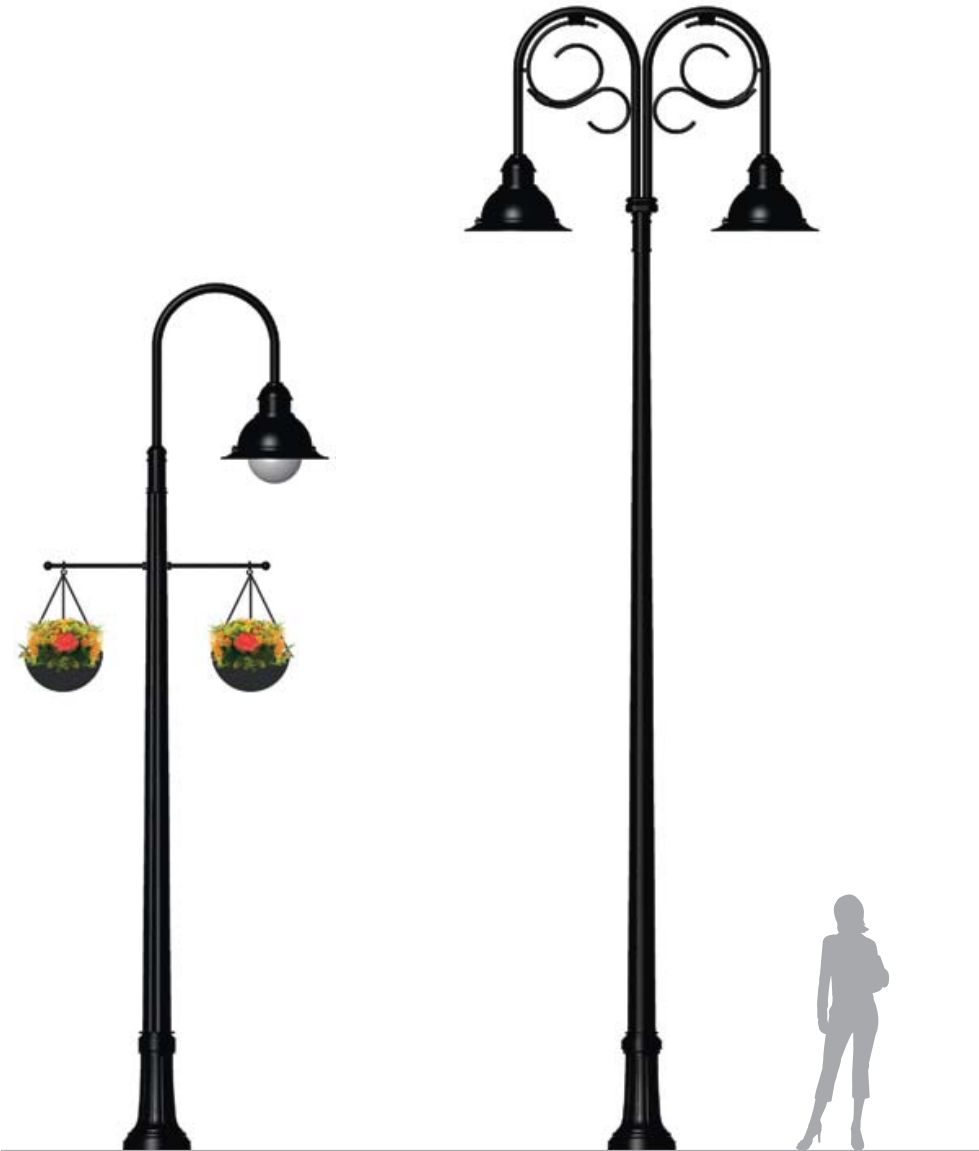
- 1. Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.
- 2. Exit signs and other illumination required by building codes.
- 3. Lighting for stairs and ramps, as required by the building code.
- 4. Signs are regulated by the sign code, but all sign lighting is recommended to be fully shielded.
- 5. Holiday and temporary lighting (less than thirty days use in any one year).
- 6. Football, baseball, and softball field lighting; only with permit from the authority recognizing that steps have been taken to minimize glare and light trespass, and utilize sensible curfews.
- 7. Low voltage landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light trespass.

Additional requirements:

- 1. Lighting attached to single-family home structures should not exceed the height of the eave.
- 2. Residential pole height restrictions can be considered to control light trespass on adjacent properties and/or to nearby structures.

General Guidelines:

- 1. The general belief that more light means better safety and security is just a myth. All that is needed is the right amount, in the right place, at the right time. More light just means wasted light and energy.
- 2. Use the lowest wattage of lamp as possible. For cost saving purposes, consider compact fluorescent lamps rather than incandescent, as they use much less energy and have a much longer lifetime.
- 3. Specify and use fixtures that carry approval of the International Dark Sky Association.
- 4. Whenever possible, turn off the lights.



Example of the type of light fixtures that would be appropriate for the Rancheria.
Image courtesy of Phillips Lumec

Tree Protection Standards

Every effort should be made to protect Heritage Trees on Rancheria lands. Removal of Heritage Trees should occur only as emergency removal when trees pose an immediate danger to life, limb, or property due to an accident or a storm or other act of nature. Removal of Heritage Trees is subject to a Tree Removal Permit.

Tree Protection Standards

Protection of Trees During Construction

The objective of this section is to reduce the negative impacts of construction on trees. The tree protection regulations are intended to guide a construction project to insure that appropriate practices will be implemented in the field to eliminate or mitigate undesirable consequences that may result from construction activities. Typical negative impacts that occur during construction may include:

- Mechanical injury to roots, trunk or branches
- Compaction of soil, which degrades the functioning roots, inhibits the development of new ones and restricts drainage
- Changes in existing grade which can cut or suffocate roots
- Alteration of the water table - either raising or lowering
- Sterile soil conditions associated with stripping off topsoil

Tree Protection and Preservation Plan

Prior to commencement of a development project, a Tree Protection and Preservation Plan shall be prepared. The Tree Protection and Preservation Plan will be prepared by a certified arborist to identify trees to be removed, assess impacts to trees to be preserved, recommend mitigations to reduce impacts to a less than significant level, and identify construction guidelines to be followed through all phases of a construction project.

Pre-construction Requirements

The following six steps shall be incorporated within the Tree Protection and Preservation Plan prior to grading, demolition or building permit issuance:

1. **Site Plan.** On the Tree Protection and Preservation Plan for the project, plot accurate trunk locations and the dripline of all trees over 8" in diameter, including Heritage Trees. For Heritage Trees the plans shall accurately show the species, trunk diameter, dripline and clearly indicate the Tree Protection Zone (TPZ) to be enclosed with the specified tree fencing as a bold dashed line.
2. **Tree Disclosure Statement,** A statement signed by the applicant, on a form provided by the Rancheria, acknowledging the existence of Heritage Trees on the property.
3. **Verification of Tree Protection.** The Project Arborist shall verify, in writing, that all pre-construction requirements have been met. Written verification must be submitted to and approved by the Rancheria prior to demolition, grading or building permit issuance.
4. **Pre-Construction Meeting.** The demolition, grading and general contractors are required to meet with the Project Arborist and Rancheria Staff at the site prior to beginning demolition, grading or new construction to review tree protection measures and to establish haul routes, staging areas, etc.

5. **Protective Tree Fencing for Heritage Trees.** Fenced enclosures shall be erected around trees to be protected to establish the Tree Protection Zone (TPZ) in which no soil disturbance is permitted and activities are restricted.
 1. **Size and type of fence.** All trees to be preserved shall be protected with 6 foot high, minimum 12 gauge chain link fence. Fences are to be mounted on 2-inch diameter galvanized iron posts, driven into the ground to a depth of at least 2-feet at no more than 10-foot spacing (See detail, Appendix III). This detail shall appear on grading, demolition and building permit plans.
 2. **Duration.** Tree fencing shall be erected before any demolition, grading or construction begins and remain in place until the Town Arborist approves the removal.
 3. **"Warning" Sign.** A warning sign shall be prominently displayed on each fence. The signs are available at the Rancheria.

Tree Protection Zone (TPZ)

Each Heritage Tree to be protected, shall have a designated TPZ identifying the area sufficiently large enough to protect the tree and roots from disturbance. The TPZ area can be determined by the formula: one foot per inch of diameter. For example a 20” diameter tree shall have a 20’ radius from the perimeter of the trunk or a 20 foot TPZ. Any deviation in determining the TPZ will require approval by Rancheria Staff.

Activities prohibited within the TPZ include:

1. Storage or parking vehicles, building materials, refuse, excavated spoils or dumping of poisonous materials, including but not limited to, paint, petroleum products, concrete, stucco mix or dirty water.
2. The use of tree trunks as a winch support, anchorage, as a temporary power pole, sign posts or other similar function.
3. Cutting of tree roots by utility trenching, foundation digging, placement of curbs and trenches and other miscellaneous excavation.
4. Soil disturbance, soil compaction or grade changes.
5. Drainage changes.

Activities permitted or required within the TPZ include:

1. Mulching - During construction, it is recommended that wood chips or similar material be spread within the TPZ to a 4-to 6-inch depth, leaving the trunk clear of mulch.
2. Root Buffer - When areas within the TPZ cannot be fenced, a Root Buffer is required and shall cover the root zone.
3. Irrigation, aeration, fertilizing or other beneficial practices that have been specifically approved for use by the Project Arborist within the TPZ.

Erosion Control

If a tree is adjacent to or in the immediate proximity to a grade slope of 8% (23 degrees) or more, then approved erosion control or silt barriers shall be installed outside the TPZ to prevent siltation and/or erosion within the TPZ.

Tunneling and Directional Drilling

If trenching or pipe installation has been approved within the TPZ, then the trench shall be either cut by hand, air spade, or by mechanically boring the tunnel under the roots with a horizontal directional drill and hydraulic or pneumatic air excavation technology. In all cases, install the utility pipe, immediately backfill with soil and soak within the same day.

Tree Pruning and Surgery

The most compelling reason to prune is to develop a strong, safe framework and tree structure and to reduce hazards. If the Project Arborist recommends that trees be pruned, the standard pruning shall consist of “crown cleaning” as defined by the International Society of Arboriculture's Pruning Guidelines.

Maximum Pruning

Maximum pruning should only occur if approved by Rancheria Staff. No more than one fourth (25 percent) of the functioning leaf, branch and stem area may be removed within one calendar year of any Heritage Tree, or removal of foliage so as to cause the unbalancing of the tree. Trees should not be topped.

Tree Workers

Pruning shall not be attempted by construction or contractor personnel, but shall be performed by a qualified tree care specialist or certified tree worker, according to specifications contained within these procedures.

Tree Removal Procedure

When Heritage Trees are removed, the following tree removal practices apply:

1. A permit is required to remove any Heritage Tree.
2. Any tree to be removed that may impact a Heritage Tree shall be done under the supervision of a certified arborist.
3. The removal of trees that extend into the branches or roots of Heritage Trees shall not be attempted by demolition or construction personnel, grading or other heavy equipment. A certified arborist or certified tree worker shall remove, or oversee the removal of the tree in a manner that causes no damage above or below ground to trees that remain.

Tree Protection Standards

Tree Injury Mitigation

A mitigation program is required if the approved development will cause drought stress, dust accumulation or soil compaction to trees that are to be saved. To help reduce impact injury, one or more of the following mitigation measures shall be implemented and supervised by the Project Arborist.

Irrigation Program. Irrigate to wet the soil within the TPZ during the dry season as specified by the Project Arborist.

Dust Control Program. During periods of extended drought, or grading, spray trunk, limbs and foliage to remove accumulated construction dust.

Soil Compaction Damage. Compaction of the soil is the largest killer of trees on construction sites due to suffocation of roots. If compaction to the upper 12-inch soil within the TPZ has occurred, then one or more of the following mitigation measures shall be implemented as recommended by the Project Arborist or Rancheria Staff.

- Type I Mitigation.** If an approved paving, hardscape or other compromising material encroaches within the TPZ, an aeration system shall be designed by a certified arborist and used within this area.
- Type II Mitigation.** If inadvertent compaction of the soil has occurred within the TPZ, the soil shall be loosened by a method approved by the Town Arborist, such as Vertical Mulching or Soil Fracturing.

Damage to Trees

Reporting. Any damage or injury to trees shall be reported within 24 hours to the Project Arborist and Rancheria Staff so that mitigation can take place. All mechanical or chemical injury to branches, trunk or to roots over 2-inches in diameter shall be reported.

Appraised Value. If a tree is damaged, a Certified Arborist determines the Tree Appraisal value by adjusting a tree’s basic value by its condition, location, and species using the most recent edition of the Guide for Plant Appraisal, published by the Council of Tree and Landscape Appraisers. The formula used should also be noted.

Mitigation

1. Root injury. If trenches are cut and tree roots 2-inches or larger are encountered they must be cleanly cut back to a sound wood lateral root under the supervision of the Project Arborist. The end of the root shall be sealed and kept moist. All exposed root areas within the TPZ shall be backfilled or covered within one hour. Exposed roots may be kept from drying out by temporarily covering the roots and draping layered burlap or carpeting over the upper 3-feet of trench walls. The materials must be kept wet until backfilled to reduce evaporation from the trench walls.

2. Bark or trunk wounding. Current bark tracing and treatment methods shall be performed by a qualified tree care specialist within two days.

3. Scaffold branch or leaf canopy injury. Remove broken or torn branches back to an appropriate branch capable of resuming terminal growth within five days. If leaves are heat scorched from equipment exhaust pipes, consult the Project Arborist within 24 hours.

Inspection Schedule

The Project Arborist retained by the applicant shall conduct the following required inspections of construction sites containing protected Heritage Trees. Inspections shall verify that the type of tree protection is consistent with the standards outlined within these Guidelines. For each required inspection, a monthly inspection report of any change in tree conditions and actions taken shall be provided to the Rancheria.

Required Inspections

A. Pre-Construction Meeting. Prior to commencement of construction, the applicant or contractor shall conduct a pre-construction meeting to discuss tree protection with the job site superintendent, grading equipment operators, Project Arborist, and Rancheria Staff.

B. Inspection of Protective Tree Fencing. Rancheria staff shall be in receipt of a written statement from the applicant or Project Arborist verifying that he has conducted a field inspection of the trees and that the protective tree fencing is in place prior to issuance of a demolition, grading, or building permit.

C. Inspection of Rough Grading. The Project Arborist shall perform an inspection during the course of rough grading adjacent to the TPZ to ensure trees will not be injured by compaction, cut or fill, drainage and trenching, and if required, inspect aeration systems, tree wells, drains and special paving. The contractor shall provide the Project Arborist at least 48 hours advance notice of such activity.

D. Monthly Inspections. The Project Arborist shall perform monthly inspections to monitor changing conditions and tree health and submit a written report to the Rancheria.

E. Special Activities within the Tree Protection Zone. Work in this area (TPZ) requires the direct onsite supervision of the Project Arborist.



Architectural Standards and Guidelines

These Architectural Standards and Guidelines intend to promote design and character that is in keeping with the desires and intentions of the Rancheria community. They include standards and guidelines for building types, walls and roofs, exterior elements, and materials and colors.



Character

This section of the document provides guidance in selecting the appropriate character for buildings in the Rancheria's commercial and institutional buildings.

Massing and Scale

- Building forms should be small-scaled, simple volumes. Volumes may be a simple rectilinear massing or a combination of gable ends and hipped roof forms in two- or three-story massings.
- Larger buildings should be broken down into smaller forms. Overly complicated facades should be avoided.
- Buildings of a width greater than 125' should be broken into multiple facades to appear as individual buildings.

Roofs and Walls

Roofs

Guidelines

- Roofs should be simple forms, either flat with a parapet, or a low pitch ranging from 3:12 to 5:12.
- Flat roofs should be concealed with parapet walls. Buildings should use cornice profiles to articulate parapets as distinct exterior walls that make a visual transition to the sky.
- Flat roofs may be accessible and used as balconies or terraces.
- Pitched roofs may be gable or shed forms.
- Roof forms can utilize and/or build upon the asymmetrical gable form found in traditional tribal village homes.

Materials and Color

- Wood shingles, metal and asphalt shingles are allowed.
- Roofs are generally either natural wood or an earthtone color.



Roof and wall forms of traditional tribal house applied to contemporary structure



Traditional tribal house



Traditional roof form re-interpreted as skylight



Simple gable-fronted form with wrapped porch



Deep overhanging eaves with wood brackets



Deep overhanging eaves with exposed rafters



Stucco parapet with cornice

Walls

Guidelines

- Primary walls are usually composed of horizontal wood siding, or vertical boards with or without battens.
- Stucco may be used infrequently.
- Facades are typically finished in one material.
- Facades should be embellished with decorative elements such as window moldings.

Materials and Color

- Wood siding may be wood or cementitious.
- Stucco is typically 3 coat, smooth finish.
- Walls are generally either natural wood finish, an earthtone or light color found in nature.



Natural wood board and batten siding



Rustic board and batten siding



Stucco two-story commercial block



Board and batten commercial building



Painted horizontal wood siding

Openings

Windows

Guidelines

- Individual windows should be vertically proportioned.
- Individual windows should be multi-paned, and divided by true or simulated muntins. Muntins should have a profile with a minimum ¾" width and minimum ½" depth.
- For wider openings, individual vertically-proportioned windows should be ganged together. Windows may be ganged together when a mullion with a minimum 4" width and a minimum 1" depth is used.
- Ornamental windows that are square or round may be used occasionally.
- Windows are typically casements or double hung with clear glass panes; sliding windows should be avoided.
- Windows on buildings with horizontal siding should be framed with a 3½" minimum wood or fiber cement trim and a 2" minimum apron. Window trim caps may be a basic trim board or a more formal cap with or without brackets.
- All windows must have a sill. The sill should not be integrated into a "picture frame" surround and should have a depth of ¾" minimum from the plane of the wall.

Materials and Colors

- Windows should be wood with or with out aluminum cladding or aluminum.
- Windows should be painted the same color across a facade.
- Window trim may be a different color that accents the window.

Doors

Guidelines

- Doors should have simple, rectilinear panels and windows. Top transom windows are allowed.
- Doors may have square or arched tops.
- Doors on buildings with horizontal siding should be framed with a 3½" minimum wood or fiber cement trim and a 2" minimum apron. Window trim caps may be a basic trim board or a more formal cap with or without brackets.

Materials and Colors

- Doors may be made from any combination of the following materials: wood, fiberglass, glass, aluminum.
- Doors should be painted the same color across a facade.
- Door trim may be a different color that accents the window.



Traditional tribal house door form used as ornamental opening



Individual and ganged vertically-proportioned double-hung windows



Ganged casement windows with vertically-proportioned muntins



Ganged windows with wood trim



Ornamental window



Individual and ganged windows on commercial block



Vertically proportioned full-height windows on store front



Traditional circular entry form echoed in contemporary double door entry



Traditional circular entry form echoed in modern door



Double door entry to commercial space



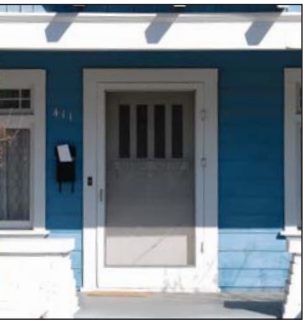
Deep-recessed double door entry to commercial space



Rustic wood door paired with window-paneled door



Paneled wood door with side lites



Wood door with screen



Wood screen doors with transom above lites

Attached Elements

Storefronts and Awnings

Guidelines

- Storefronts can be found with recessed entry, angled corner entry or flush entry.
- Storefronts have large expanses of clear glass with tall windows that often have transom windows to allow light to penetrate deep into the store; glass shall not be tinted, mirrored or colored.
- Storefronts are recessed minimum of 6" and a maximum of 1' from the facade.
- Storefronts typically have a 1' - 2' tall continuous base, finished with wood panels, brick, tile, or fiber cement.
- Corner storefront entry doors are located on an angled 45° wall on the corner of the building. A bay window is typically set above the door and can have a 6" minimum width vertical support at the corner of building form.
- Entry doors should be accessed from the primary street address. Handicapped access ramps shall not extend into the sidewalk.
- Awnings and canopies may extend over the sidewalk and may be used to provide shelter to passing pedestrians, to emphasize ground floor uses such as cafes and restaurants, and/or to add interest to the facade.
- Awnings and canopies shall have a minimum of 8 feet clear from the sidewalk to the underside of the awning or canopy.

Materials and Colors

- Storefront frames are made of wood, aluminum or other metal.
- Storefronts are often painted to match the trim color of the building.

Stoops and Porches

Guidelines

- Stoops and porches provide a transition between the inside (private) and outside (public) parts of a building.
- See additional standards for Stoops and Porches on page 2-2.

Materials and Colors

- Porches and Stoops are often made with a combination of wood, stone, concrete and stucco.
- Porches and Stoops are often painted to match the trim color of the building.



Deep overhanging open rafters enclose public space in front of rustic commercial building



Semi-enclosed sitting area engages sidewalk



Natural wood porch over commercial frontage



Canvas awning with lettering



Recessed entry, large display windows, and transom window across entire storefront



Large window expanses engage public pedestrian space



Attached, full front porch



Natural wood porch with attached pergola



Deep porch allows space for outdoor furniture



Single bay, gable end porch



Porch engaged under overall roof form



Entry stoop

Attached Elements

Balconies and Bay Windows

Guidelines

- Balconies are used as accents along facades and are generally made from wood, heavy timber, or metal.
- Wood and heavy timber balconies have decorative wood brackets and simple posts or decorative columns/rails. They are often covered by roofs with exposed rafter tails. Balconies generally have a minimum 3’ depth.
- Metal balconies are made from wrought or cast iron and may have metal rails and decorative, supporting metal brackets or metal rails with a concrete or stone base and brackets. They are typically uncovered but may have an awning. Metal balconies have a minimum 12" depth.
- Bay windows may be square, chamfered or round. Bays come in a variety of heights and depths.
- Bays may or may not have supporting brackets and should not project above the cornice.

Materials and Colors

- Balconies are used as accents along facades and are generally made from wood, heavy timber, or metal.
- Balconies and Bay Windows are often painted to match the trim color of the building.



Bracketed wood balcony, with exposed-rafter roof overhang



Wood balcony with chamfered bay over porch with brackets and posts



Large natural wood balcony set on simple posts



Chamfered bay



Metal balcony with metal brackets



Square bay with wood brackets



Balcony incorporated in dormer window



Chamfered bay

Review Procedures

This section identifies the review procedures applicable for these standards. These include Standard Procedures that set forth review procedures and post-decision actions (including appeals) applicable to all types of applications, and Application-Specific Procedures, that are specific to particular types of applications.

Pre-Application Conferences

Pre-application conferences provide an opportunity for applicants to meet with Rancheria Staff to discuss potential future development applications, and learn more about review standards and procedures. Pre-application conferences are optional but strongly encouraged.

Neighborhood Meeting/Community Meetings

The purpose of the pre-application neighborhood/community meeting is to educate owners and occupants of nearby lands about a proposed development application that is going to be reviewed under these standards and to provide the Rancheria Staff and residents with an opportunity to voice and hear comments and concerns about the development proposal and resolve conflicts and outstanding issues.

Neighborhood meetings are encouraged as opportunities for informal communication between applicants and the owners and occupants of nearby lands, and other residents who may be affected by development proposals.

Applicability

A neighborhood meeting is required before submittal of a Major Land Development Plan, and is encouraged, but not required, before submittal of any other development application reviewed under these standards.

Procedure

If a neighborhood meeting is held by the applicant, it shall comply with the following procedures:

Time and Place. The meeting shall be held at a place that is convenient and accessible to neighbors residing in close proximity to the land subject to the application. It may be scheduled after 5:00 P.M. on a weekday.

Notification

Mailed Notice. The applicant shall mail notice of the meeting a minimum of ten days in advance of the meeting to the Rancheria and to the following:

- 1. All owners of the land subject to the application; and
- 2. All owners of land within 500 feet of the land subject to the application (including owners of land located outside Rancheria lands).

The notice shall state the time and place of the meeting and general nature of the development proposal. Notice shall be deemed mailed by its deposit in the United States mail, properly addressed, and postage paid. A copy of the mailed notice shall be maintained in the office of the Rancheria for public inspection during normal business hours.

Posted Notice. The applicant shall post notice of the neighborhood meeting on the land subject to the application for at least ten days before the date fixed for the meeting, in a

form established by the Rancheria.

Conduct of Meeting. At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, respond to questions and concerns neighbors raise about the application, and propose ways to resolve conflicts and concerns.

Written Summary of Neighborhood Meeting. The applicant shall prepare a written summary of the meeting that includes a list of meeting attendees, a summary of attendee comments, discussed issues related to the development proposal, and any other information the applicant deems appropriate. The meeting summary shall be included with the application materials and be made available to the public for inspection.

Response to Summary. Any person attending the neighborhood meeting may submit a written response to the applicant’s meeting summary to the Rancheria within 30 days after the application is determined complete. The response may state their understanding of attendee comments, discuss issues related to the development proposal, and include any other information they deem appropriate. All written responses to the applicant’s summary of the neighborhood meeting shall be transmitted to the applicant, included with the application materials, and made available for public inspection.

Submitting, Accepting, and Withdrawing Applications

Development applications reviewed under this Code shall be submitted by:

- 1. The Rancheria administration; or
- 2. The owner, contract purchaser, or any other person having a recognized property interest in the land on which development is proposed; or
- 3. A person authorized to submit the application on behalf of the Rancheria, the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document signed by an authorized Rancheria representative, such owner, contract purchaser, or other person.
- 4. If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.

Application Content

The Rancheria is authorized to and shall establish the requirements for the content and form for development applications reviewed under these standards. The Rancheria may amend and update these standards as determined necessary to ensure effective and efficient review of projects. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance with applicable standards.

Submittal and Review Schedule. The Rancheria is authorized to and shall establish specific rules for the submittal and review schedule (including time frames for review) for the various types of development applications. The Rancheria may amend and update these provisions as is determined necessary to ensure effective and efficient review under this Code.

Application Submittal. Applications shall be submitted to the Rancheria in the form established by the Rancheria.

Determining if Applications are Complete

Completeness Review. On receiving an application, the Rancheria shall, within a reasonable period of time, determine whether the application is complete or incomplete. A complete application is one that:

- 1. Contains all information and materials established by the Rancheria as required for submittal of the particular type of application;
- 2. Is in the form established by the Rancheria as required for submittal of the particular type of application;
- 3. Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate review standards and the goals of the Rancheria Comprehensive Plan.

Incomplete Applications

On determining that the application is incomplete, the Rancheria shall notify the applicant of any submittal deficiencies. The applicant may correct the deficiencies and resubmit the application for completeness determination. If the applicant fails to resubmit an application within 30 calendar days after being first notified of submittal deficiencies, the application shall be considered withdrawn.

The Rancheria shall not process an application for further review until it is determined to be complete. Notwithstanding the other provisions of this subsection, after an application is determined to be incomplete three times, the applicant may request, and the Rancheria shall undertake, processing and review of the application even though it is not determined to be a complete application.

Application Complete. On determining that the application is complete, or on receiving the applicant’s request that the application be processed, the Rancheria shall accept the application for review in accordance with the procedures and standards of these standards.

Revising Applications

An applicant may revise an application after receiving initial staff review comments on the application, or on requesting and receiving permission from the Rancheria to do so. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by Rancheria. Any other revisions to the application may be submitted at any time during the review procedure, but the revised application shall be submitted and reviewed as if it were a new application. All revised applications shall be submitted to the Rancheria.

Withdrawing Applications

An applicant may withdraw a development application at any time by submitting a letter of withdrawal to the Rancheria.

Staff Review and Action

When an application is determined complete, it shall be distributed by the Rancheria to all appropriate staff and review agencies for review and comment, and the preparation of a staff report. In preparing the staff report staff shall review the application, relevant support material, and any comments or recommendations from other staff and review agencies to which the application was referred. If deficiencies in complying with applicable standards of these standards are identified, the Rancheria, may notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to discuss the deficiencies and revise the application to address them.

Staff Report and Recommendation. Upon completion of staff review on an application, the Rancheria shall prepare a written staff report. The staff report shall conclude whether the application complies with all applicable review standards and recommend one of the decisions authorized for the particular type of application. The staff report may identify and recommend conditions of approval addressing how compliance deficiencies might be corrected and adverse effects of the development application might be mitigated.

Distribution and Availability of Application and Staff Report. Within a reasonable time period before the meeting or public hearing at which the application is scheduled for review by the Tribal Council, the Rancheria shall:

1. Schedule and ensure notice of any required public hearing on the application (if appropriate);
2. Transmit the application, related materials, and the staff report to the Tribal Council;
3. Transmit a copy of the staff report to the applicant; and
4. Make the application, related materials, and the staff report available for examination by the community in the Rancheria office during normal business hours, and make copies of such materials available at a reasonable cost.

Public Hearings

Public Hearing Scheduling and Notice

Application to be Scheduled for Meeting. When a development application is subject to a public hearing with the Tribal Council, the Rancheria shall ensure that the public hearing on the application is scheduled for a regularly scheduled meeting or a meeting specially called for that purpose.

Timing. The public hearing(s) on the application shall be scheduled so there is sufficient time for a staff report to be prepared and for the public notification requirements to be satisfied. Public notification of a public hearing on a development application shall be provided at least 10 calendar days prior to the public hearing, and should be both mailed and posted.

Mailed Notice. The applicant shall mail notice of the meeting to the Rancheria and to the following:

1. All owners of the land subject to the application; and
2. All owners of land within 500 feet of the land subject to the application (including owners of land located outside Rancheria lands).

The notice shall state the time and place of the meeting and general nature of the development proposal. Notice shall be deemed mailed by its deposit in the United States mail, properly addressed, and postage paid. A copy of the mailed notice shall be maintained in the office of the Rancheria for public inspection during normal business hours.

Posted Notice. The applicant shall post notice of the public hearing on the land subject to the application, in a form established by the Rancheria. The notice shall include the application or application number, and the name, address, and telephone number of the applicant or the applicant’s agent; the date, time, and place of the public hearing; the land involved by street address or legal description and nearest cross street, and area size; the nature, scope, and purpose of the application or proposal; and that the application, and all relevant information about the application may be obtained at the Rancheria office during normal business hours, and include the office’s street address and a contact phone number.

Public Hearing Procedures

If the development application is subject to a public hearing by the Tribal Council, the public hearing shall be held in accordance with the following procedures.

Conduct of Public Hearings

Burden of Proof or Persuasion. The burden of demonstrating that an application complies with applicable review and approval standards of these standards is on the applicant. The burden is not on the Rancheria or other parties to show that the standards have not been met by the applicant.

Rights of All Persons. Any person may appear at a public hearing and submit testimony, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state an address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented. If the person states they represent an organization, the Tribal Council may request written evidence of that person’s authority to speak on behalf of the organization in regard to the matter under consideration.

Exclusion of Testimony. The Tribal Council may exclude testimony that it finds to be irrelevant, immaterial, or unduly repetitious.

Offers of Testimony. In the event any testimony is excluded as irrelevant, immaterial, or unduly repetitious, the person submitting such testimony shall have an opportunity at that hearing to offer such testimony to be entered into the record. Such offer shall be made at the public hearing.

Continuance of Public Hearing. The Tribal Council may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time, and place. An applicant shall have the right to request and be granted one continuance. Any subsequent continuances requested by any party shall be granted at the discretion of the Tribal Council only upon good cause shown.

Recording. A record of the hearing shall be kept as follows.

1. The Rancheria shall record the public hearing. The written or taped record of oral proceedings (including testimony and statements of personal opinions), the hearing minutes, all applications, exhibits and papers submitted in any proceeding before the review board, the staff report, and the recommendation or decision shall constitute the record.

2. All records of public hearings conducted by the Tribal Council shall be a public record.
3. A copy of the public hearing record may be obtained by any person upon applying to the Rancheria and paying the cost for duplication of the record.

Close of Hearings. Upon the completion of all testimony or public comment, the hearing shall be closed. No further direct or informal testimony, comments or evidence shall be provided or considered on the matter. The applicant may be asked questions or allowed to comment on proposed conditions.

General Procedures and Findings Following Public Hearings

1. Time. Any review body conducting the hearing shall act in accord with any time limits established in this Code or the body’s own by-laws. Action shall be taken as promptly as possible in consideration of the interests of the applicant, the residents of the Rancheria, and shall include a recommendation or decision of approval, approval with conditions, or disapproval (whichever is appropriate).
2. Form of Decisions. The form of all decisions shall include at least the following elements:
 - a. A summary of the information presented before the body.
 - b. A statement of findings or other factors considered, whichever is appropriate, and a statement of the basis upon which such facts were applied with respect to the relevant review standards.
 - c. A statement of a recommendation or decision of approval, approval with conditions or disapproval (whichever is appropriate).

Approved Development Plans

Approval of any development application in accordance with these standards authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application.

Expiration of Permitted Development Plans

An applicant shall have two years from final approval to receive a Building Permit or, if no Building Permit is required, to obtain a Certificate of Compliance. Upon written request by the applicant submitted to the Rancheria no later than one month prior to expiration of the approval, the Tribal Council may grant up to, but not exceeding, five, one-year extensions, for good cause. Development permits not renewed shall expire.

Material Misrepresentation. A development permit is subject to revocation by the Tribal Council upon its determination, after notice and public hearing, that there was a material misrepresentation by the applicant or substantial noncompliance with the terms and conditions of the original or amended development permit or approval.

Limitation on Subsequent Similar Applications

If a development application requiring a public hearing is denied, no application proposing the same or similar development on all or part of the same land shall be submitted within one year after the date of denial unless the Tribal Council waives this time limit. In considering such a waiver the Tribal Council shall consider that the applicant has demonstrated that:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application that might reasonably affect the Tribal Council's application of the relevant review standards; or
2. New or additional information is available that was not available at the time of review of the prior application and that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the new application; or
3. The new application proposed to be submitted is materially different from the prior application; or
4. The final decision on the prior application was based on a material mistake of fact.

Land Development Plans

The Land Development Plan provisions of this section are intended to ensure that the layout and general site design of proposed development is compatible with surrounding uses and complies with all applicable development standards and, in some cases, other applicable City or County standards. The purpose of this section is to establish the procedure and standards for review of a Land Development Plan.

Applicability

Approval of a Land Development Plan in accordance with this section is required before issuance of a Building Permit. Development Plans are Major or Minor as characterized below.

Major Development Plans include:

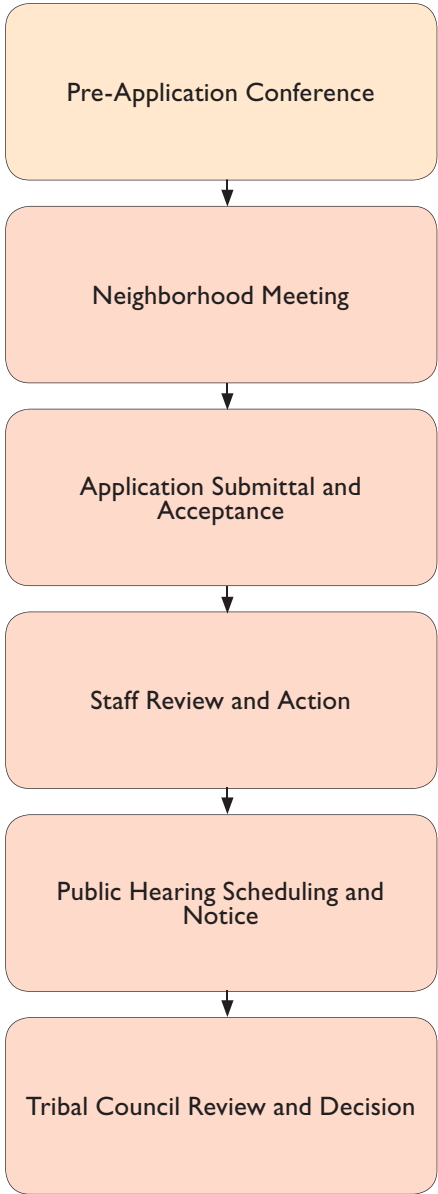
1. Nonresidential development of 5,000 square feet of gross floor area or more on an undeveloped site;
2. The addition of 5,000 square feet or 30 percent or more of the original building of a nonresidential development which results in a building larger than 5,000 square feet; or
3. Residential, multi-family development or other housing developments of four dwelling units or more.

Minor Development Plans include:

1. Nonresidential development of less than 5,000 square feet of gross floor area on an undeveloped site;
2. Additions to nonresidential development;
3. Residential, multi-family development or other housing developments of one to three dwelling units;
4. Grading, clearing of trees and other vegetation, and general site disturbance on lands greater than 10,000 square feet.

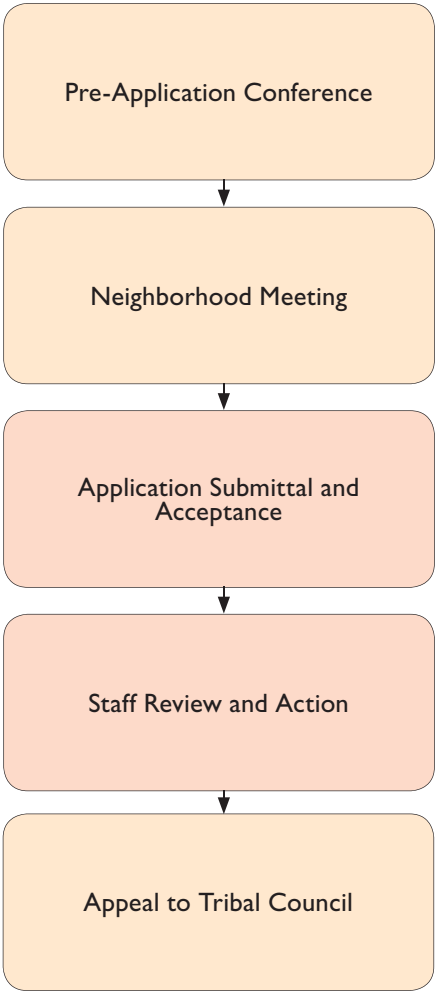
All other development, including residential additions and alterations of 500 square feet or less, and infrastructure projects such as roadway and drainage improvements, are exempt from the requirements of this section.

PROCEDURE FOR MAJOR LAND DEVELOPMENT PLANS



1. **Pre-Application Conference.** Optional.
2. **Neighborhood Meeting.** Applicable.
3. **Application Submittal and Acceptance.** Applicable.
4. **Staff Review and Action.** Applicable to a decision by the Tribal Council.
5. **Public Hearing Scheduling and Notice.** Applicable.
6. **Public Hearing Procedures.** Applicable.
7. **Tribal Council Review and Decision.** Applicable.
8. **Appeal.** Not applicable. The decision of the Tribal Council on a Plan for a Major Land Development Plan is final.

PROCEDURE FOR MINOR LAND DEVELOPMENT PLANS



1. **Pre-Application Conference.** Optional.
2. **Neighborhood Meeting.** Optional.
3. **Application Submittal and Acceptance.** Applicable.
4. **Staff Review and Action.** Applicable to a decision by the Rancheria Staff.
5. **Public Hearing Scheduling and Notice.** Not applicable.
6. **Public Hearing Procedures.** Not applicable.
7. **Tribal Council Review and Decision.** Not Applicable.
8. **Appeal.** Applicable. The decision of the Rancheria Staff on a Minor Land Development Plan may be appealed to the Tribal Council.

Land Development Plan Review Standards

An application for a Land Development Plan (major or minor) shall be approved on a finding the applicant has demonstrated the proposed development:

- 1. Is consistent with the Rancheria Comprehensive plan;
- 2. Complies with the applicable standards specific to the project's location and "address";
- 3. Complies with all other applicable standards; and
- 4. Complies with all standards or conditions of any prior applicable development permits or approvals.

Effect of Approval. Approval of a Land Development Plan (major or minor) authorizes the submittal of an application for a Building Permit, Grading Permit, and/or any other development application that may be required before construction.

Expiration. Approval of a Land Development Plan (major or minor) shall automatically expire if a Building Permit for the authorized development is not obtained within two years after the date of approval, unless extension of the time period is authorized.

Amendment. A Land Development Plan (major or minor) may be modified or amended only in accordance with the procedures and standards established for its original approval.

Trinidad Harbor. In addition to the standards and procedures listed above, development proposals within Trinidad Harbor will require application, review, and appeal through the City of Trinidad.

Administrative Permits

Tree Removal Permit

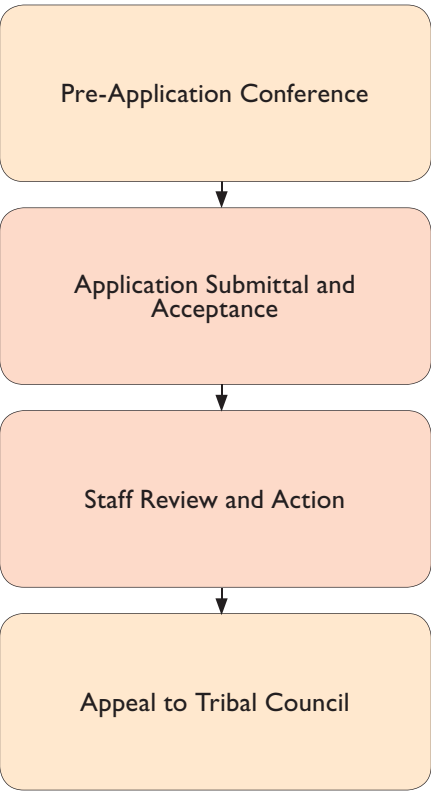
The purpose of this section is to ensure Heritage Trees on parcels of land subject to land disturbing or construction activities that are regulated under these standards are not cut prior to submittal of a development application.

Applicability. Unless exempted as described below, a Tree Removal Permit approved in accordance with this section is required before any land disturbing activities or the removal, relocation, or substantial alteration of a protected tree, as defined by these standards.

Exemptions. The following are exempt from the standards of this section:

- 1. Land disturbing activities and tree removal, relocation, or substantial alteration in accordance with a Land Development Plan (major or minor) or Building Permit;
- 2. Removal of trees that have been planted and are being grown in a plant nursery or botanical garden for the purpose of sale to the general public as landscaping material;
- 3. Removal of destroyed or effectively destroyed trees when ordered by the Rancheria;
- 4. Emergency removal of trees that pose an immediate danger to life, limb, or property due to an accident or a storm or other act of nature, as determined by the Rancheria;

PROCEDURE FOR TREE REMOVAL PERMITS



- 5. Removal of a nuisance tree, as defined by these standards.
- 6. Land disturbing activities and tree removal, relocation, or substantial alteration in conjunction with agricultural operations.

Tree Removal Permit Procedure

- 1. **Pre-Application Conference.** Optional.
- 2. **Neighborhood Meeting.** Not applicable.
- 3. **Application Submittal and Acceptance.** Applicable..
- 4. **Staff Review and Action.** Applicable to a decision by the Rancheria, subject to the Tree Permit Review Standards.
- 5. **Public Hearing Scheduling and Notice.** Not applicable.
- 6. **Public Hearing Procedures.** Not applicable.
- 7. **Tribal Council Review and Decision.** Not applicable.
- 8. **Appeal.** Applicable. The decision of the Rancheria on a Tree Removal Permit may be appealed to the Tribal Council.

Tree Removal Permit Review Standards

A Tree Removal Permit shall be approved on a finding the applicant demonstrates the proposed development activity complies with the Tree Protection standards.

Effect of Approval. Approval of a Tree Removal Permit authorizes land disturbing activities or removal, relocation, or substantial alteration of protected trees in anticipation of further development of the land and shall remain valid until approval of a Land Development Plan (major or minor), Subdivision (major, minor, or rural), or Zoning Permit for such further development is approved in accordance with this Code.

Amendment. A Tree Removal Permit may be amended only in accordance with the procedures and standards for its original approval.

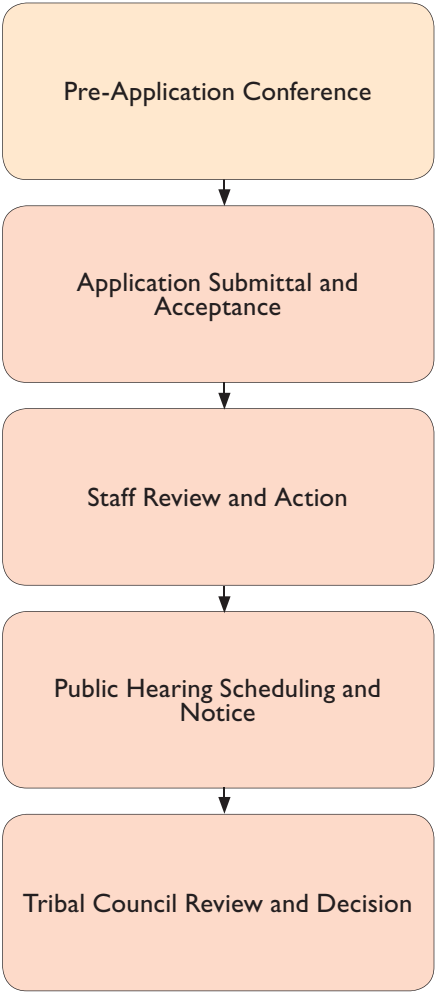
Appeals

The purpose of this section is to establish an appeal for an aggrieved party affected by a decision made by an administrative decision-maker to determine if the decision complies with the requirements of these standards.

Appeals may be taken by an aggrieved party for decisions made on Minor Land Development Plans, to the Tribal Council, following the below procedure:

1. **Pre-Application Conference.** Optional.
2. **Neighborhood Meeting.** Not applicable.
3. **Application Submittal and Acceptance.** Applicable. An Appeal application shall specify the grounds for the appeal and shall be submitted to the Rancheria within 30 days after receipt of notice of the decision being appealed.
4. **Staff Review and Action.** Not applicable. On accepting an Appeal application, the Rancheria shall transmit the appeal and the record of material considered by the decisionmaker in making the decision (including but not limited to, for example, the application and support materials, staff report, other plans, documents, reports, and studies considered in making the decision, and any minutes, transcripts, or record of the meetings held to consider and make the decision). These materials, plus the comprehensive plan and these standards shall constitute the record of the appeal.
5. **Public Hearing Scheduling and Notice.** Applicable. The Rancheria shall also provide notice of the public hearing to the applicant for the decision being appealed, if different from the appellant.
6. **Public Hearing Procedures. Applicable.** The public hearing shall be on the record of the appeal, with presentations limited to arguments on the record of the appeal as it relates to the grounds for appeal specified in the Appeal application.
7. **Tribal Council Review and Decision.** Applicable to a decision by the appropriate appellate body following a public hearing. The Tribal Council shall base its decision solely on the record of the appeal, as supplemented by arguments presented at the public hearing, and the standards listed in the Appeal Review Standards. The final decision of the appellate body shall be one of the following:
 - a. Affirmation of the decision or interpretation (in whole or in part);
 - b. Modification of the decision or interpretation (in whole or in part); or
 - c. Reversal of the decision or interpretation (in whole or in part).

PROCEDURE FOR APPEALS



Appeal Review Standards

1. The Tribal Council is limited to the following determinations in considering the appeal, which shall be based on clear and substantial evidence in the record:
 - a. The decision-maker made an error in determining whether a standard was met. The record must indicate that an error in judgment occurred or facts, plans, or regulations were misread in determining whether the particular standard was or was not met;
 - b. The decision-maker made the decision based on a standard not contained in this Code or other appropriate county ordinances, regulations, or state law, or that a standard more strict or broad than the standard established in this Code was applied. (This Code does not allow administrative decision-makers to consider or create standards not officially adopted); or
 - c. The decision-maker made an error in applying a standard or measuring a standard.
2. Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility in terms of documentation and qualifications of those making the determination.
3. The Tribal Council shall not hear any evidence or make any decision based on hardships or special conditions. (Such matters may only be considered in the context of an application for a Variance Permit.

Effect of Pending Appeal. A pending appeal stays all actions in furtherance of the decision being appealed unless the Rancheria certifies to the appellate body reviewing the decision or interpretation (or the Tribal Council independently determines) that because of facts stated in the certificate (or as part of the Tribal Council’s determination), a stay would cause imminent peril to life or land. In that case, proceedings shall not be stayed other than by an order issued by the appellate body for good cause, or by a court of law.

Interpretations

The purpose of this section is to provide a uniform mechanism for rendering formal interpretations of these standards when they are unclear or when a use is not identified. The Rancheria is responsible for making interpretations of all provisions of these standards, including, but not limited to:

- 1. Interpretations of the text of these standards;
- 2. Interpretations of district boundaries; and
- 3. Interpretations of compliance with conditions of approval.

Language. Standards preceded by "shall" or "must" are generally prescriptive and regulatory in nature. Standards preceded by "may" or "should" are generally encouraged and should be interpreted as guidelines.

Interpretation Procedure

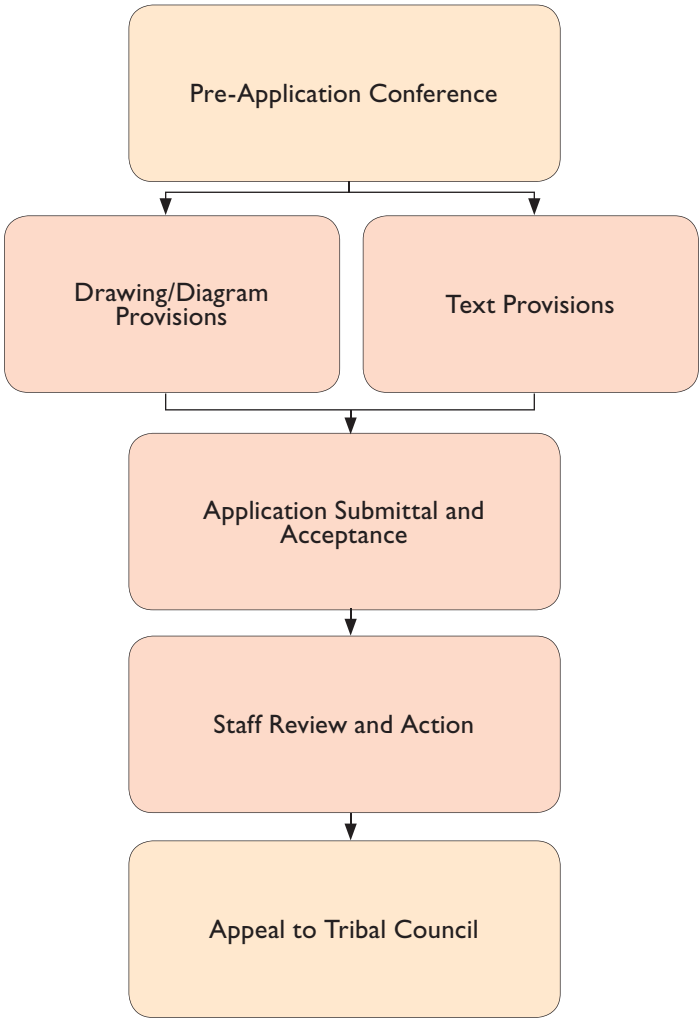
- 1. **Pre-Application Conference.** Optional.
- 2. **Neighborhood Meeting.** Not applicable.
- 3. **Text Provisions.** Interpretation of text provisions and their application shall be based on the following considerations:
 - a. The clear and plain meaning of the provision’s wording, as defined by the meaning and significance given specific terms used in the provision—as established in the Glossary, and by the common and accepted usage of the term;
 - b. The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history related to its adoption;
 - c. The general purposes served by these standards; and
 - d. Consistency with the comprehensive plan.
- 4. **Drawing Provisions.** Drawings and diagrams included in these standards are conceptual and/or illustrative in nature and should be used as supplemental to the written standards. The general placement of buildings, their orientation, and character, is subject to some degree of change and evolution, provided that the intent of the written standards is maintained. In the event of an apparent conflict between written and drawn provisions, the written provisions shall prevail.

Official Record of Interpretations. The Rancheria shall maintain a record of written interpretations that shall be available in the Rancheria's office for public inspection, on reasonable request, during normal business hours.

Effect of Interpretation. A written interpretation shall be binding on subsequent decisions by the Rancheria or other county administrative officials in applying the same provision of these standards in the same circumstance.

- 5. **Application Submittal and Acceptance.** Applicable. An application for a formal written interpretation may be initiated by the Tribal Council, any resident of the Rancheria, or any person having a contractual interest in land in the Rancheria.
- 6. **Staff Review and Action.** Applicable to a rendering of a written interpretation by the Rancheria.

PROCEDURE FOR INTERPRETATIONS



- 7. **Public Hearing Scheduling and Notice.** Not applicable.
- 8. **Public Hearing Procedures.** Not applicable.
- 9. **Tribal Council Review and Decision.** Not Applicable.
- 10. **Appeal.** Applicable. The interpretation of the Rancheria may be appealed to the Tribal Council.

Interpretation Standards

District Map Boundaries. Interpretation of district boundaries on the Official Zoning (?) Map shall be in accordance with these standards and consistent with the comprehensive plan.

Unspecified Uses. Interpretation of whether an unspecified use is similar to a use discussed in these standards, shall be based on consistency with the Rancheria Comprehensive Plan.

Enforcement

This section establishes procedures to ensure compliance with the provisions of these standards and obtain corrections for violations. It also sets forth the remedies and penalties that apply to violations of these standards. These provisions intend to encourage the voluntary correction of violations, where possible.

Compliance Required

Compliance with all the procedures and standards of these standards, and all terms and conditions of permits and development approvals is required by all persons owning, developing, managing, using, or occupying land, structures on Rancheria lands.

Violations Generally

Any failure to comply with a standard, requirement, prohibition, or limitation imposed by these standards, or the terms or conditions of any permit or development approval granted in accordance with these standards shall constitute a punishable violation.

Permits or development approvals issued on the basis of applications approved by the Rancheria or Tribal Council authorize only the use, arrangement, location, design, density/intensity, and development set forth in such permits or development approvals, and no other development.

Specific Violations

It shall be a violation of this Code to do any of the following:

- 1. Develop land or a structure without first obtaining the appropriate permits or development approvals.
- 2. Occupy or use land or a structure without first obtaining the appropriate permits or development approvals.
- 3. Develop land or a structure without complying with the terms or conditions of the permits or development approvals required to engage in development.
- 4. Occupy or use land or a structure in violation of the terms or conditions of the permits or development approvals.
- 5. Excavate, grade, cut, clear, or undertake any land disturbing activity without first obtaining the appropriate permits or development approvals, and complying with their terms and conditions.
- 6. Remove existing trees from a site or parcel of land without first obtaining the appropriate permits and development approvals, and complying with their terms and conditions.
- 7. Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by these standards.
- 8. Increase the intensity or density of development, except in accordance with these standards.
- 9. Through any act or omission, fail to comply with any other provisions or procedures of these standards.

Responsible Persons

Any person who violates these standards shall be subject to the remedies and penalties set forth in this article. The Rancheria shall be responsible for enforcing these provisions.

Complaints Regarding Violations

Whenever a violation of these standards occurs, or is alleged to have occurred, any person may file a complaint. Such complaint shall state fully the alleged violation and the basis for the alleged violation, and shall be filed with the Rancheria, who shall maintain a record of the complaint. The complaint shall be investigated promptly by the Rancheria as described below, and action taken to abate or correct the violation.

Inspections to Ensure Compliance

Upon presentation of proper credentials, the Rancheria may enter upon land or inspect any structure to ensure compliance with the provisions of these standards. These inspections shall be carried out during normal business hours unless the Rancheria determines there is an emergency necessitating inspections at another time.

Notice of Violation

When the Rancheria finds and determines a violation of these standards exists, the Rancheria shall notify in writing, the person violating the standards. Such notification shall serve as a warning notice of a violation. It shall be delivered to the owner and any person occupying the land or structure where the violation occurs. The notice shall state the following:

1. The address and legal description of the land, structure, or sign that is in violation of the standards.
2. The nature of the violation, the provisions of the standards being violated, and the necessary action to remove or abate the violation;
3. The date by which the violation should be removed or abated (The time period shall be no less than three or no more than ten days, except in emergency cases); and
4. The penalty for failing to remove or abate the violation, stating that if the nuisance recurs, a notice to appear in Tribal Court will be issued without further notice.

If no one is present or refuses to accept the notice of violation, the Rancheria shall post the warning notice on the residence or building entrance. If the land is unimproved, the notice may be placed on a tree or other similar object on the land subject to the violation.

A written notice containing the same information as the notice delivered or posted on the land shall be mailed to the owner or the owner’s authorized agent, and any other person’s responsible for the violation, by certified mail.

Failure to Correct Violation

If the person(s) to whom a warning notice has been given fails to remove or abate the violation in the time specified in the notice and severe conditions exist that affect health, welfare, or safety, or cause severe environmental degradation, the Rancheria may lawfully enter upon the land where the violation remains unabated to remove or abate the violation, at the expense of the person(s) responsible for creating or maintaining the violation(s).

Under all other circumstances, if the person(s) to whom a warning notice has been given fails to remove or abate the violation in the time specified in the notice, the Rancheria shall fill out and sign, as the complainant, a complaint and information form and a Notice to Appear in the Tribal Court. The Notice to Appear shall include the following:

1. Name of the owner of the land subject to the violation, any occupants, and any other person(s) responsible for the violation(s);
2. The address or legal description of the land on which the violation is occurring;
3. The nature of the violation;
4. The provision(s) of this Code being violated;
5. The date on which the case will be on the court docket for hearing; and
6. Any other information deemed pertinent by the Rancheria.

C. The original copy of the Notice to Appear shall be forwarded to the Clerk of the Court for inclusion on the court's docket for the date indicated on the notice.

D. The Notice to Appear shall be provided to all persons in violation of these standards. The notice shall be hand delivered to any occupants of the land where the violation is occurring. In addition, the Rancheria shall fill out and sign the Notice to Appear as the complainant and deliver the original plus one copy to the Clerk of the Court. The Clerk shall verify or insert the date the case is set for hearing before the court. The Clerk shall mail a copy of the Notice to Appear, by certified mail, to all person(s) named in the Notice to Appear, at their last known address.

Costs

All costs and expenses incurred by the Rancheria in removing or abating any violation under this Code may be assessed as a lien on the property where the violation occurs. Alternatively, the cost of removing or abating the violation may be made part of the judgment by a Judge, in addition to any other penalties and costs imposed if the person(s) charged either pleads or is found guilty of causing, creating, or maintaining a violation.

Repeat Violations

In instances of repeat violations, the warning notice provisions of this section need not be observed.

Each day a violation continues after the expiration of the warning period to abate such violation shall constitute a separate offense.

General

Any person violating these standards shall be guilty of a misdemeanor and, upon conviction, shall pay such penalties as the court may decide, as prescribed by state law, not to exceed \$500.00 or 30 days imprisonment for each violation. Each day during which such conduct shall continue shall subject the offender to the liability prescribed in this article.

Other Remedies and Penalties

In addition, the Rancheria may use any combination of the following enforcement actions, remedies, and penalties in any particular order to correct, stop, abate or enjoin a violation of these standards:

Stop Order

The Rancheria or Tribal Council may issue and serve upon a person violating these standards a stop order requiring that the person stop all actions in violation of these standards, including illegal occupation of a building or structure, illegal work being done, or any other action in violation of these standards.

Permit Revocation

Any permit, development approval, or other form of authorization required under these standards may be revoked if the Rancheria determines that:

1. There is a failure to comply with the approved permit, development approval, plans, specifications, or terms or conditions required under the permit or development approval;
2. The permit or development approval was procured by false representation; or
3. The permit or development approval was issued in error.

Written notice of revocation shall be served upon the applicant, the applicant's agent, or other person to whom the permit or development approval was issued, and such notice may be posted in a prominent location at the place of violation. No work or construction shall proceed after service of the revocation notice.

Private Civil Relief

In case a structure or land is or is proposed to be developed or used in violation of these standards, an adjacent or neighboring landowner or tenant who would be specially damaged by the violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful development or use, to correct or abate the violation, or to prevent the occupancy of the structure or use of the land.

Remedies Cumulative

The remedies provided for violations of these standards, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

Glossary

Definitions of Specialized Terms and Phrases

A. Definitions

Accessory Structure. A structure physically detached from, secondary and incidental to, and commonly associated with a primary structure and/or use on the same site. The use of the Accessory Structure must not change the character of the use for the site. Accessory Structures normally associated with a residential use property include, but are not limited to: Garages (unenclosed or enclosed) for the storage of automobiles (including incidental restoration and repair), personal recreational vehicles and other personal property; studios; workshops; greenhouses (noncommercial); enclosed cabanas and pool houses; storage sheds; and outdoor saunas.

Accessory Structures normally associated with a non-residential use property include, but are not limited to: Garages (unenclosed or enclosed) for the storage of automobiles and work related vehicles and equipment (including incidental restoration and repair); storage structures; workshops; and studios.

A permitted Accessory Structure is not allowed by right to have an Accessory/Secondary Unit. This use is regulated separately as “Dwelling, Accessory/Secondary Unit.” See also “Agricultural Accessory Structure” and “Dwelling, Accessory/Secondary Unit.”

Allowed Use. Uses that are allowed by right and are not subject to the conditions of approval, mandatory review periods, or expiration periods as required for Use Permits or Minor Use Permits.

Ancillary Structure/Ancillary Building. See “Accessory Structure.”

Architectural Features. Exterior building elements intended to provide ornamentation to the building massing, including, but not limited to: eaves, cornices, bay windows, window and door surrounds, light fixtures, canopies, and balconies.

B. Definitions

Buildable Area. The area of a parcel upon which, under applicable zoning regulations, a main dwelling unit may be built without a variance.

Building Type. A structure defined by its combination of configuration, disposition and function.

Build-to Line (BTL). A line parallel to a property line or right-of-way where a building facade must be placed. The BTL may appear graphically on the regulating plan or be stated as a dimension from the property line or right-of-way.

C. Definitions

Ceiling Height, Ground Floor. Height from finished floor to finished ceiling of primary rooms on the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms and storage spaces.

Ceiling Height, Upper Floor(s). Height from finished floor to finished ceiling of primary rooms on the floor(s) above the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms and storage spaces.

Charrette. A multiple-day collaborative design and planning workshop held on-site and inclusive of all affected stakeholders.

Civic. A term defining not-for-profit organizations that are dedicated to arts, culture, education, religious activities, recreation, government, transit, and public parking facilities.

Civic Building. A structure operated by governmental or not-for-profit organizations and limited to civic and related uses.

Civic Space. An outdoor area dedicated for civic activities.

Commercial. A term defining workplace, office and retail uses collectively.

Common Courtyard. An entry court, forecourt or courtyard shared by multiple residential units or commercial spaces.

D. Definitions

Dead Tree. A tree that is dead or that has been damaged beyond repair or is in an advanced state of decline as determined by a certified arborist.

Depth, Ground-Floor Commercial Space. The distance from the street-facing facade to the rear interior wall of the ground-floor space available to a commercial tenant.

Diameter at Breast Height. The diameter of the tree trunk at 4 feet above natural grade level. The diameter may be calculated by using the following formula:

$$DBH = \text{circumference at 4 feet} \div 3.142$$

Dripline. The width of a tree, as measured by the lateral extent of the foliage.

E. Definitions

Encroachment. Any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, bay window, terrace or deck, that breaks the plane of a vertical or horizontal regulatory limit extending into a setback, beyond the build-to-line, into the public frontage, or above a height limit.

Excessive Pruning. Removing in excess of 25 percent of the functioning leaf, branch.

F. Definitions

Facade. The vertical surface of a building.

Facade Zone. The area between the minimum and maximum setback lines.

Finish Level, Ground Floor. Height difference between the finished floor on the ground floor and the adjacent public walk. In the case of a loading dock frontage that serves as the public right-of-way, the floor finish level is the height of the walk above the adjacent street. Regulations for ground floor finish level for ground floor residential uses do not apply to ground floor lobbies and common areas in multi-unit buildings.

Formally Disposed. Composed in a formal arrangement, in a regular, classical, and typically symmetrical manner.

Front. The primary frontage(s) of a lot, determined as follows:

For lots with frontages along multiple thoroughfares and/or civic spaces, the frontage along the thoroughfare or civic space with the most pedestrian activity, as determined by the Rancheria, will always be the Front. All other frontages may be considered to be Side Street Frontages.

Frontages along Alleys, Service Drives, and Parking Drives may never be a Front.

Frontage. A strip or extent of land abutting a thoroughfare, civic space or other public right-of-way.

1. Frontage, Private. The area between the front face of a building and the frontage line.
2. Frontage, Public. The area between the curb of the vehicular lanes and the frontage line.

Frontage Line. The property line(s) of a lot fronting a thoroughfare or other public way, or a Civic Space.

Frontage Type. The way in which a building engages the public realm. See Page 2-2 (Frontage Standards).

Fully shielded (full cutoff) luminaire. A luminaire emitting no light above the horizontal plane.

G. Definitions

Garage. A structure, or part thereof, used or intended to be used for the parking and storage of motor vehicles.

Glare. Intense and blinding light. Causes visual discomfort or disability.

H. Definitions

Height. A limit to the vertical extent of a building that is measured in number of stories. Height limits do not apply to masts, belfries, clock towers, chimney flues, water tanks, elevator bulkheads, and similar structures, which may be of any height approved by the Rancheria.

Heritage Tree. A tree 48 inches or more in circumference (15.2 inches dbh), measured at 48 inches above natural grade, and/or a tree designated for preservation by the Rancheria due to certain traditional medicinal benefits.

I. Definitions

No specialized terms beginning with the letter I are defined at this time.

J. Definitions

No specialized terms beginning with the letter J are defined at this time.

K. Definitions

No specialized terms beginning with the letter K are defined at this time.

L. Definitions

Landscape lighting. Luminaries mounted in or at grade (but not more than 3 feet above grade) and used solely for landscape rather than any area lighting.

Luminaire (light fixture). A complete lighting unit consisting of one or more electric lamps, the lamp holder, any reflector or lens, ballast (if any), and any other components and accessories.

M. Definitions

Mixed-Use. Multiple functions within the same building or the same general area through superimposition or within the same area through adjacency.

Mixed-Use Project. A development that combines both commercial and residential uses on the same site, typically with the commercial uses occupying the ground floor street frontage and the residential uses above.

N. Definitions

Naturally Disposed. A preservation of the existing natural condition or a composition of elements arranged as they would appear in a nature, with irregular shapes and asymmetry.

O. Definitions

Obtrusive light. Spill light that causes glare, annoyance, discomfort, or loss of visual ability. Light Pollution.

P. Definitions

Passive Recreation. Recreation requiring little or no physical exertion focusing on the enjoyment of one's natural surroundings.

Project Arborist. A certified arborist retained by the owner for the purpose of overseeing on-site activity involving the welfare of the trees to be retained.

Protective Tree Fencing. A temporary enclosure erected around a tree to be protected at the boundary of the Tree Protection Zone.

Q. Definitions

No specialized terms beginning with the letter Q are defined at this time.

R. Definitions

Residential. Premises used primarily for human habitation.

Root Buffer. A temporary layer of material to protect the soil texture and roots. The buffer shall consist of a base course of tree chips spread over the root area, keeping one foot clear of the trunk clear, to a 4”- 6” depth, capped by a base course of ¾-inch quarry gravel to stabilize the ¾” plywood on top.

S. Definitions

Setback. The mandatory clear distance between a property line and a structure.

Spill light. Light from a lighting installation that falls outside of the boundaries of the property on which it is located. Usually results in obtrusive light.

Storefront. The portion of a frontage composed of the display window and/or entrance and its components, including windows, doors, transoms and

sill pane, that is inserted into various frontage types, such as a shopfront or gallery, to accommodate retail uses.

Story. An above-grade habitable floor level within a building.

1. Half. A conditioned space that rests primarily underneath the slope of the roof, usually having dormer windows.

Structure. Anything constructed or erected, the use of which requires attachment to the ground, attachment to something located on the ground, or placement on the ground.

T. Definitions

No specialized terms beginning with the letter T are defined at this time.

U. Definitions

Utilities. Installations or facilities or means for furnishing to the public, electricity, gas, steam, communications, water, drainage, sewage disposal, or flood control, irrespective of whether such facilities or means are underground or above ground; utilities may be owned and operated by any person, firm, corporation, municipal department or board, duly appointed by state or municipal regulations. Utility or utilities as used herein may also refer to such persons, firms, corporations, departments, or boards.

V. Definitions

No specialized terms beginning with the letter V are defined at this time.

W. Definitions

No specialized terms beginning with the letter W are defined at this time.

X. Definitions

No specialized terms beginning with the letter X are defined at this time.

Y. Definitions

No specialized terms beginning with the letter Y are defined at this time.

Z. Definitions

No specialized terms beginning with the letter Z are defined at this time.